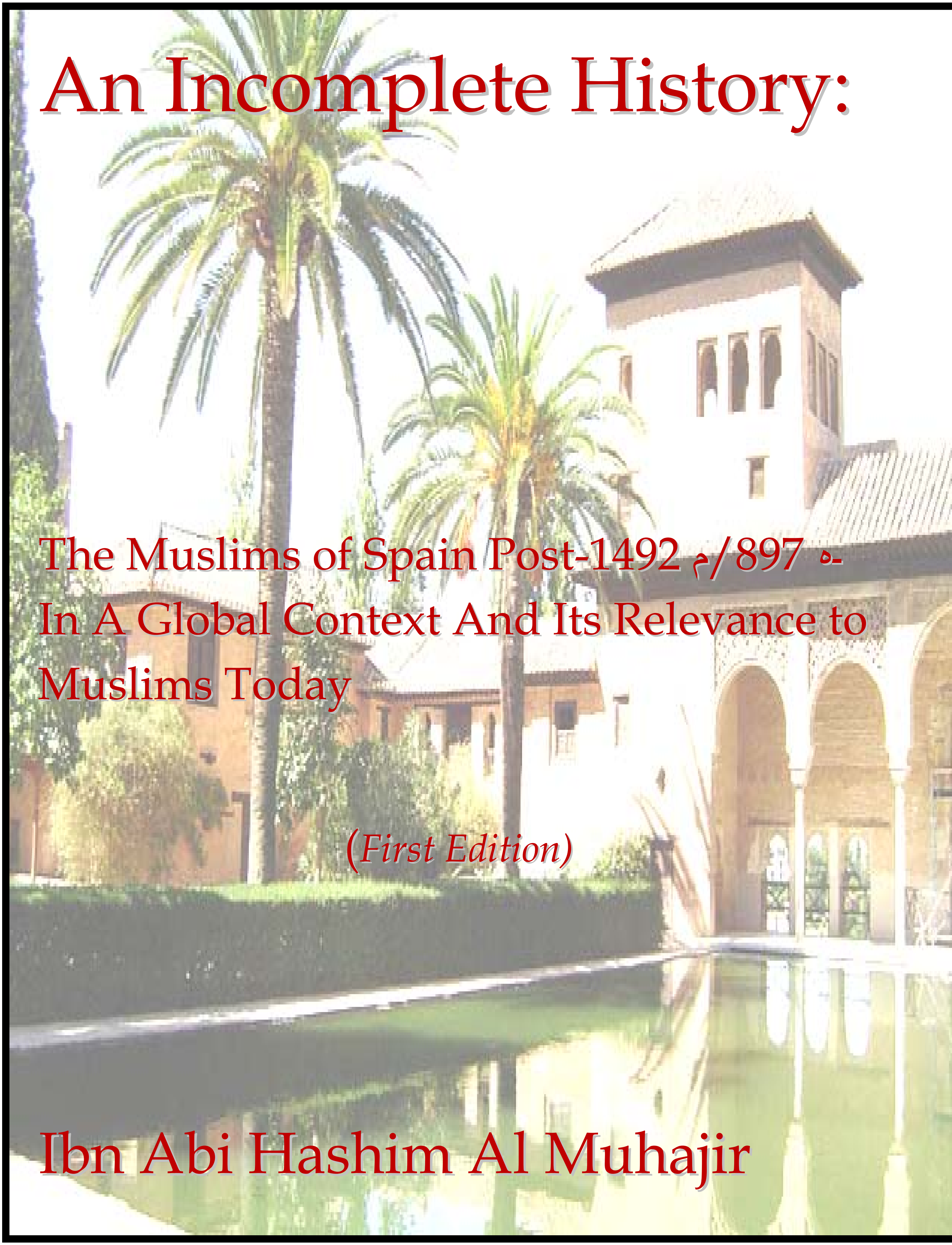
An Incomplete History:

The Muslims of Spain Post-1492 م/897 هـ In A Global Context And Its Relevance to Muslims Today

(*First Edition)*

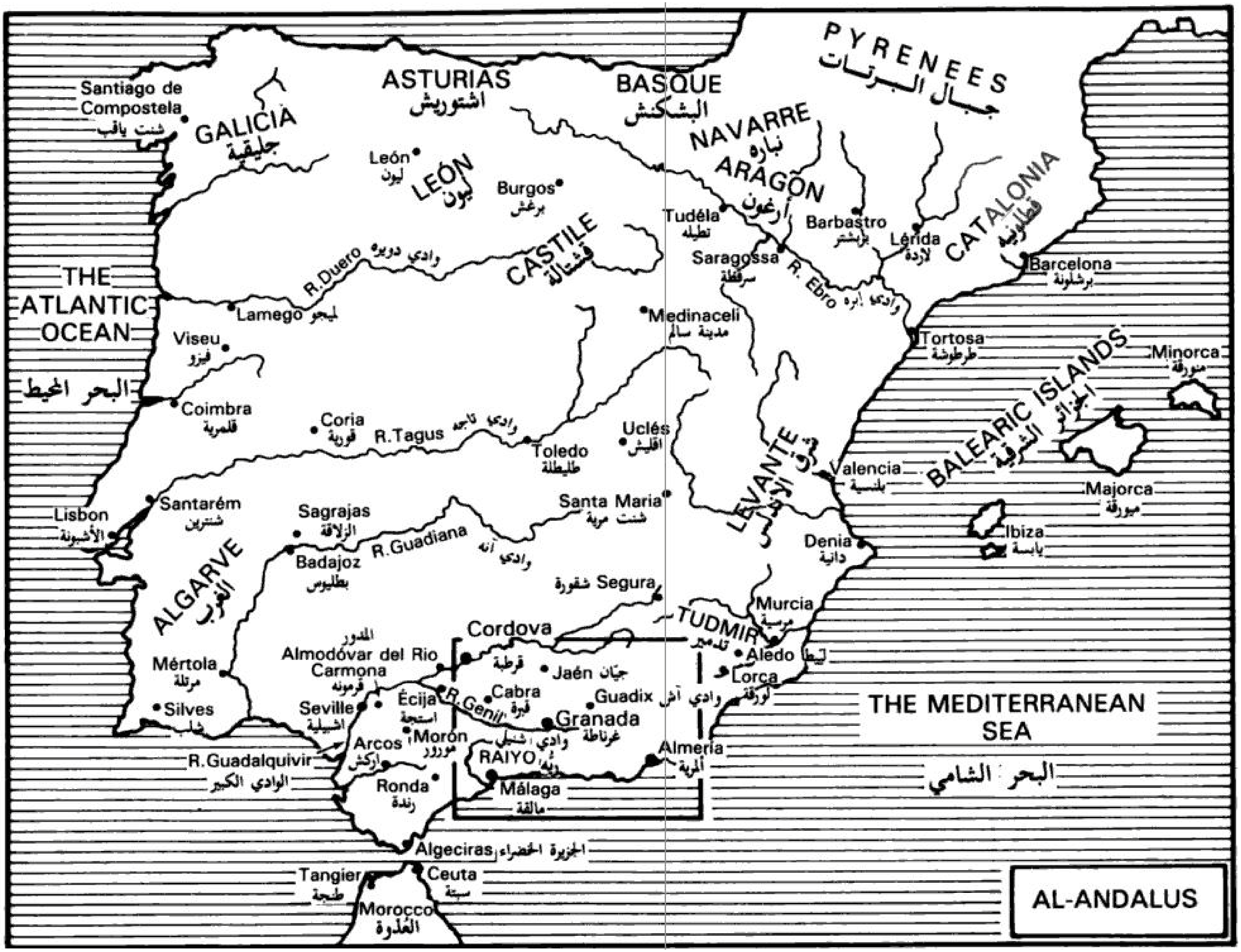


Ibn Abi Hashim Al Muhajir


بسم الله الرحمن الرحيم

إِنَّ اللّهَ اشْتَرَى مِنَ الْمُؤْمِنِينَ أَنفُسَهُمْ وَأَمْوَالَهُم بِأَنَّ لَهُمُ الجَنَّةَ يُقَاتِلُونَ فِي سَبِيلِ اللّهِ
فَيَقْتُلُونَ وَيُقْتَلُونَ وَعْدًا عَلَيْهِ حَقًّا فِي التَّوْرَاةِ وَالإِنجِيلِ وَالْقُرْآنِ وَمَنْ أَوْفَى بِعَهْدِهِ مِنَ اللّهِ
فَاسْتَبْشِرُواْ بِبَيْعِكُمُ الَّذِي بَايَعْتُم بِهِ وَذَلِكَ هُوَ الْفَوْزُ الْعَظِيمُ

Verily, Allâh has purchased of the believers their lives and their properties for (the price) that theirs shall be the Paradise. They fight in Allâh's Cause, so they kill (others) and are killed. It is a promise in truth which is binding on Him in the Taurât (Torah) and the Injeel (Gospel) and the Qur'ân. And who is truer to his covenant than Allâh? Then rejoice in the bargain which you have concluded. That is the supreme success. [Surah Al Baqarah:111]


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PYRENEES
ASTURIAS
BASQUE
GALICIA
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NAVARRE
ARAGÓN
CATALONIA
CASTILE
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ALGARVE
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RAIYO
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THE ATLANTIC OCEAN
THE MEDITERRANEAN SEA
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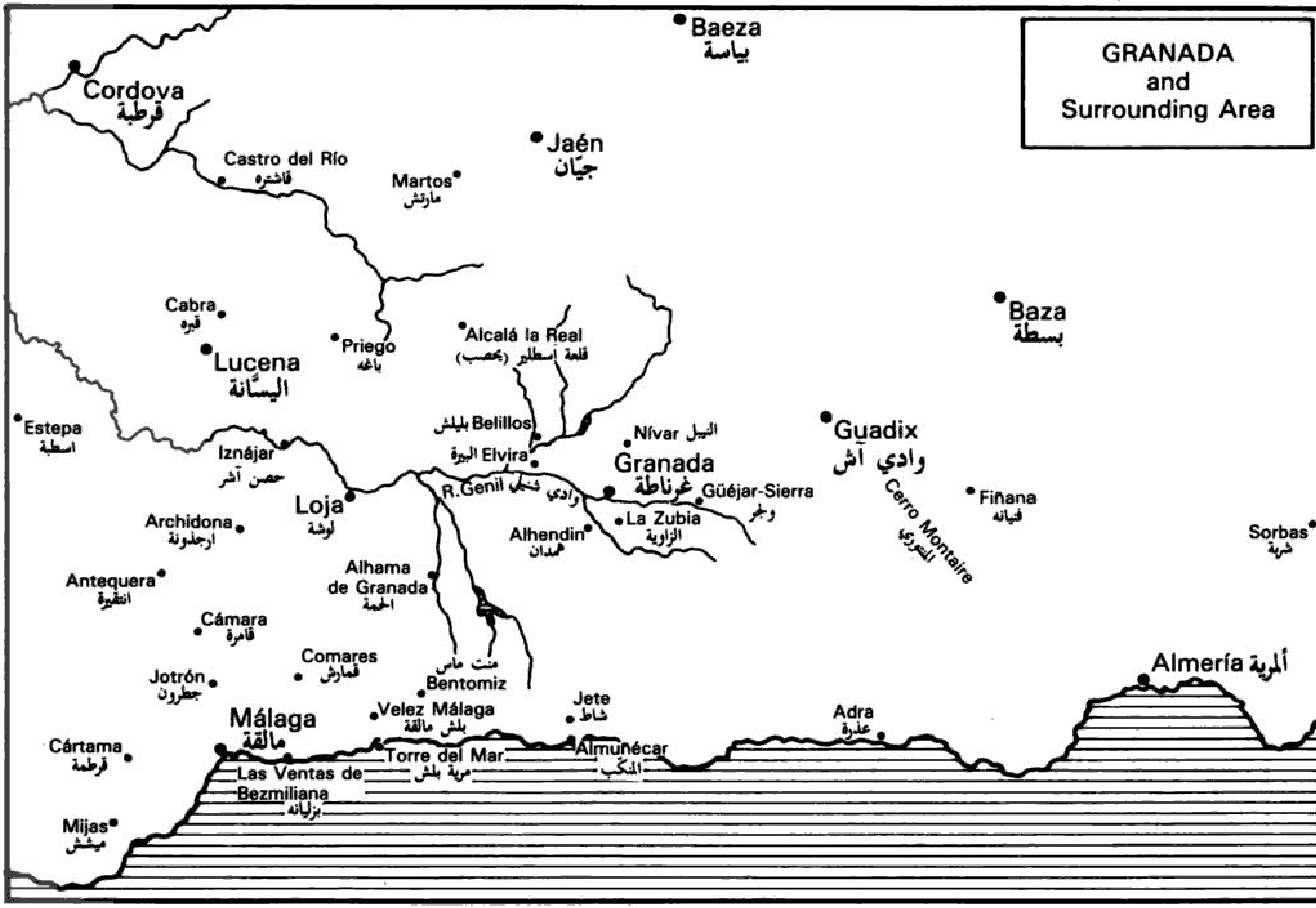

GRANADA
and
Surrounding Area
Baeza بياسة
Cordova قرطبة
Jaén جيّان
Castro del Río
Martos
Cabra
Priego
Lucena اليسّانة
Alcalá la Real
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Adra
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Málaga مالقة
Almuñécar
Cártama
Torre del Mar
Las Ventas de
Bezmiliana
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Foreword

This book has been a labour of love for me and a trial of sorts as well. The topic of Andalus has been near and dear to my heart for the past few years not due to its intrinsic value as a crucial period in Islamic History, but rather as a prism that can be used to view the contemporary Islamic world and the battle currently underway between it and the forces of *Kufr*, (Unbelief). More importantly it can be used as a means of understanding what the significance is of actions committed against us by the *Kuffaar*, why they continue to occur and, most importantly, how to stop them and reassert Allah's *Shariah* upon His Earth. In addition, before anyone has the opportunity to ponder, I have no pretensions of making this book one that is 'unbiased' when clearly the title itself betrays my bias, and therefore I won't try either.

However, as a slight shift from the usual fare of Islamic books on the topic of Andalus, I will not be writing about the glorious entry of Tariq Bin Ziyad through Gibraltar, Yusuf Bin Tashfin's destruction of the *Kuffaar* at Zalaqa, or even of notable advances in science and jurisprudence. Rather, I chose to cover a period that almost no Muslim Classical Scholar (pre-18th Century), seems to have covered in any detail including Imam Maqri who only devoted a few pages to it in his voluminous *Al-Nafh Al Tib*. In fact this topic has been almost the exclusive domain of Western Orientalists, to which they add their own interpretations, (save a handful of them). The under-covered topic in question is Andalus post-1492 (post-Reconquista). The work at hand is a combination between a source-book and a work of historical analysis in that, I realized, English speaking Muslims, (or for that matter, anybody English speaking), has a hard time coming across translations of primary sources and their sources in their original languages, and hence the Appendices are volimnous and could constitute a book, in and of, themselves. I have deliberately used sources that are easy to find and are available in electronic form on the internet so that if those curious enough want to delve further into this topic themselves and go further in this field than I have, would be able to. Some of the sources that I have translated from Arabic and Spanish have never been translated before and are for the first time available to English speaking Muslims. Remember, this is the history of the *ummah*, we should know it and take heed of its lessons lest we repeat our mistakes. Essentially, there should be no excuses any more for the brothers and sisters for laziness or lack of resources

The sources used in this study are almost exclusively from Western Scholars, (if not scholars, then individuals that are first hand witnesses), except for a few Muslim sources that have been translated by Western Orientalists during the 19th century or have been translated by myself. The reason for this arrangement is twofold:

1) As I stated previously, we lack Muslim primary sources on the topic, save for sparse coverage of events by Muslims historians at the time, therefore the reliance on western sources.
2) The advantage of using western sources, (especially Spanish Royal and Inquisitorial Records), is that the accounts of the behaviour of the Christians Spaniards upon the Muslims are illustrated with greater clarity and are believed easier by those, (Muslims and non-Muslims), who are sceptical of Muslim historiography and fact checking. The words of the *kuffaar* are a testament to their own crimes. Surprisingly, even through these accounts, the determination, the *iman* and the Islam of those Muslims that were left in Spain shines through

and, *InshaAllah*, they will be beneficial for this attempt re-owning this portion of Islamic History and to return it back to its rightful place.

For Muslims that are sceptical of the research sources, (since they are *kaffir* sources), I propose to them:

1) We have no other choice but to use them since we have nothing else to go on. To leave this history and to ignore it as if it never happened, is a crime that we would be committing and our ancestors have committed and have wronged the blood of the thousands of *shuhada* of those approximately one hundred and fifty years of Islamic History, (that were predominantly filled with profound sorrow).
2) I have taken the trouble to recheck sources against each other to check for discrepancies, (as much as I could), and to see if the account and interpretation of events match up with what is realistically[1] possible based on the ayah:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِن جَاءكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَن تُصِيبُوا قَوْماً بِجَهَالَةٍ فَتُصْبِحُوا عَلَى مَا فَعَلْتُمْ نَادِمِينَ﴾[2]

O you who believe! If a rebellious evil person comes to you with a news, verify it, lest you harm people in ignorance, and afterwards you become regretful to what you have done.

Ibn Kathir (رحمه الله) States in his Tafsir regarding this Ayah:

> *Allah the Exalted ordered investigating the news that sinners and the wicked bring, to make sure of its authenticity. Otherwise, if the sinner's word is taken for granted and a decision is based on it, regardless of whether the information is true or not, the authorities will be taking the lead of the sinners. Allah the Exalted and Most Honored forbade taking the path of the corrupted and sinners. This is why groups of the scholars of Hadith refuse to accept narrations from narrators whose reliability is unknown, for they might be from among the wicked people, in reality.*

So if that is the case with the *Fasiq*, what then of the *kafir*?! So I have chosen to use the research of the Ulema and righteous historians to validate the following history and if it is not mentioned by them or the non-Muslim accounts seem out of character and attribute something sinful upon Muslims, then it is noted as such. So it can be said the purpose of this Book is simply *Ibra'*, (admonition or lesson/example), if nothing else.

[1] By realistic I mean, I give Muslims the benefit of the doubt in the situation where the non-Muslim sources accuse them of un-Islamic actions, (strange acts such as where a mujahid who has fought for 3 years suddenly without provocation declared the he wished to die as a Christian). However, on facts that Muslims Scholars have commented on and confirmed, such as the music and singing of the people of Andalus, those things are agreed upon with the non-Muslim sources.

[2] Surah Hujarat, Verse 6

In addition I would like to add I chose to not use the word ‘moor’ to describe Muslim or the adjective Moorish but instead Muslim, or Islamic respectively, due to the fact that the word ‘moor’ has been used as a result of the corruption of the word ‘Muslim’ by people of the Christian lands, (especially Italy and Spain). When it comes to the topic at hand of the Muslims that stayed/were left behind in Andalus after 1492, which were converted by force, I refer to the collective as Morisco’s, (which in Spanish means ‘Little Moor’ or ‘Little Muslim’ as term of belittlement), for the sake of ease of understanding. However, i have repeatedly and painstakingly put the word ‘Muslim’ with in brackets to make sure that everyone understands that I speak of Muslims and so that it reinforces that definition for those that are new to this topic. As for those Muslims of Arghun, (Aragon), and Valencia that had submitted to the Spanish Crown of Castille not as Mudejar, but as *Mudajjan* (مدجن) which means ‘domesticated’ or ‘tame,’ (it is term of insult, and in this context it implies the humiliated status of those that willingly submitted to the Spanish Crown). This delineation ceased to exist after the mid 1500’s.

Color coding has been used to indicate *Ahadith*, verses of the Quran, Tafsir of Ibn Kathir and the saying of scholars that Ibn Kathir mentions therein. As for the saying of the *Sahaba*, (companions of the Prophet صلَّى الله عليه وسلَّم), they have been left in normal black font.

Furthermore, I have decided to use the Arabic transliteration of place names as far as possible, (i.e. Arghun instead of Aragon, Garnata instead of Granada and so on), while still opting to use the Christian dates for convenience. In addition, translations of sources are just that, and can not substitute for the source in its original source, so as a disclaimer, the reader should always consult the source text if available in the language of origin. Morever, I urge the reader to not look over the footnotes, as they are packed with vital information and facts that would aid in the understanding of this topic. With the limited time and the lack of proper resources at the current location, I ask the readers to forgive me for this works shortcomings. In advance, I give permission for all to copy the material in here for dissemination and if anyone has the ability and time, and are able to improve upon the content and or, make additions, (while attributing the work to myself), they have my permission to do so.

Finally, as these loose ends have been tied up, I ask Allah for His mercy and guidance and to guard from that which is false and harmful, and to guide me towards the truth and that which is beneficial. With that, I begin with the Dua of Musa (عليه سلام):

﴿قَالَ رَبِّ اشْرَحْ لِى صَدْرِى – وَيَسِّرْ لِى أَمْرِى – وَاحْلُلْ عُقْدَةً مِّن لِّسَانِى – يَفْقَهُواْ قَوْلِي﴾[3]

“(Moses) said: "O my Lord! expand me my breast;
"Ease my task for me;
"And remove the impediment from my speech,
"So they may understand what I say:”

[3] Surah Taha, Verses 25-28

Introduction

> *"With the royal banners and the cross of Christ plainly visible on the red walls of the Alhambra: …the Moorish king with about eighty or a hundred on horseback very well dressed went forth to kiss the hand of their Highnesses. Whom they received with much love and courtesy and there they handed over to him his son, who had been a hostage from the time of his capture, and as they stood there, there came about four hundred captives, of this who were in the enclosure, with the cross and a solemn procession singing the Te Deum Laudamus [a devotional hymn], and their highnesses dismounted to adore the Cross to the accompaniment of the tears and reverential devotion of the crowd…and the Moorish King and the Moors who were with him for their part could not disguise the sadness and pain they felt for the joy of the Christians, and certainly with much reason on account of their loss, for Granada is the most distinguished and chief thing in the world…"*[4]

The date was the second of January, 1492, and the occasion was the procession of King Ferdinand and Queen Isabella into the Al Hamra,' something which was not even imaginable by Spanish Monarchs up till one hundred years prior. When Tariq Ibn Ziyaad marched across Jabal Tariq and into Andalus to liberate it from the Visigoths, He would have shuddered to think that within eight hundred years, Muslims would not only be defeated in Andalus, where the pure blood of thousands of mujahideen under his command flowed and *shahada* was attained, but that Islam itself would be expelled from it within in a further hundred years. Coincidentally, the same year Tariq invaded Andalus was also the same year, at the tender age of 17, Muhammad bin Qasim Al-Thaqafi, The noble Ummayad *Qa'id* and Mujahid, under order of the Khalifa Walid I, raided Sindh in retaliation to Hindu Pirate raids launched from there and established Ummayad control over Sind, (and later Punjab). Would Tariq have imagined Andalus's fate when he landed upon those shores and made his famous speech as recounted by Imam Maqri in *Al Nafh Al Tib*:

> "Oh my warriors, whither would you flee? Behind you is the sea, before you, the enemy. By Allah! there is no salvation for you but in your courage and perseverance. Consider your situation;—here you are on this island like so many orphans cast upon the world; you will soon be met by a powerful enemy, surrounding you on all sides like the infuriated billows of a tempestuous seas, and sending against you countless warriors, drowned in steel, and provided with every store and description of arms. What can you oppose them [with]? You have no other weapons than your swords, no provisions but those that you may snatch from the hands of your enemies...Banish all fear from your hearts, trust that victory shall be ours, and that the barbarian king will not be able to withstand the shock of our arms. Here he comes to make us the masters of his cities and castles, and to deliver into our hands his countless treasures; and if you only seize the opportunity now presented, it may perhaps be the means of your becoming the owners of them[5], besides saving yourself from certain death. Do not think that I

---

[4] From a Letter of an eyewitness to the surrender of the Al Hamra' to the Bishop of Leon

[5] *SubhanAllah*! Even though they are heavily outnumbered and are facing what most military strategists would have said was definite defeat and death, here Tariq is saying that Roderic has come to the battlefield to *make* the Muslims masters of the land of Andalus! He epitomized fearlessness and *tawakkul* on the battlefield.

impose upon you a task from which I shrink myself, or that I try to conceal from you the dangers attending this expedition. No: you have certainly a great deal to encounter, but know that if you only suffer for awhile, you will reap in the end an abundant harvest of pleasures and enjoyments. And do not imagine that while I speak to you I mean not to act as I speak, for as my interest in this is greater, so will my behavior on this occasion surpass yours[6]. You know well that the *khalifa* Abdu-l-Malik Ibnu-l-Waleed has chosen you, like so many heroes from among the brave; you know that the great lords of this island are willing to make you their sons and brethren in marriage, if you only rush on like so many brave men to the fight, and behave like true champions and valiant knights; you know that the recompenses of Allah await you if you are prepared to uphold His word, and proclaim his *deen* in this peninsula…Bear in mind that Allah (تعلى) will select, according to this promise, those that distinguish themselves most among you, and grant them due reward both in this world and the hereafter and know likewise that I shall be the first to set you the example, and to put in practice what I recommend you to do[7]; for it is my intention, on the meeting of the two hosts, to attack the Christian tyrant Roderic and kill him with my own hand, *Insha'Allah*. When you see me bearing against him, charge along with me; if I kill him, the victory is ours; if I am killed before I reach him, do not trouble yourselves about me, but fight as if I were still alive and among you, and follow up my purpose...If, however, I should be killed, after inflicting death upon their king, appoint a man from among you who unites both courage and experience, and may command you in this emergency, and follow up the success. If you follow my instructions, we are sure of victory, (Makkari, The History of the Mohammedan Dynasties in Spain, Vol. 1, 310-311)[8]"

Tariq's troops replied resoundingly thus:

قد قطعنا الآمال مما يخالف ما عزمت عليه، فاحضر إليه فإننا معك وبين يديك

"We are ready to follow you, O Tariq! We shall all, to the last man, stand by you, and fight for you; nor could we avoid it were we otherwise disposed... (ibid, 311).[9]"

The sacrifices and victories that laid the foundation of the western frontier of Islam, (or as Arabs referred to it as one of the *Maghribain*, or the 'west's' in reference to North Western Africa and Andalus), seemingly had gone to waste and many Muslims of today see it as a period of nostalgia and of glory lost. We remember it as a time where Muslims excelled in the science, Fiqh, Philosophy and numerous other fields. Unfortunately, confusion is our lot due to not only our military defeats

[6] Unlike our rulers of today, Tariq says that not only will he give the orders and be on the field with his men, but he will surpass them in taking risks, courage and bravery!

[7] He practiced what he preached, once again, unlike our rulers and military commanders today.

[8] In the Arabic edition, this quotation is located in Vol. 1, on page(s) 240-241

[9]The translator did a sloppy job of this quote. I would have translated it like this: "We have already cut off any hope of what differs from your plan upon him [Roderic], So [lets] go to [fight] him [Roderic]. Verily we are with you and under your command!" And Allah knows best.

and conquest at the hands of the *Kuffaar* over the previous five hundred years in every part of the world and at the hand of every *kafir* nation, but also the mental colonization that has taken place in the minds of not only the previous generations, but the youth as well. We have been led to believe Andalus was a land of *Convivencia*, (Coexistence), between Islam, Christianity and Judaism and Western or Western influenced Muslim Scholars reiterate the examples of the translation schools in Tulaytulah, (Toledo), where apparently Muslims and Jews worked together to translate book of Plato and Aristotle, or of the '*Zambra*[10]' and the musical styles of Andalus, since these worldly and *Batil* (Falsehood), things are what the West is interested in studying. Subsequently they disseminate these views through scholarly work, wherein they then work their way down to the masses, (Muslim and non-Muslim alike). However, Muslims that read these books seem to forget that Andalus was the land of *jihad*, where continuous *Ghazwa*'s took place on the frontier, (*Thagr*) against the *Kuffaar* in the lands beyond the Pyrenees up to Tours in France, (which is merely a few hundred kilometres from Paris). It was a place where talented *Fuquha*, (almost all Maliki), that vigorously carried out their duty of guiding the masses and enjoining the good and forbidding the evil, (*Amr Bil Ma'aroof wa Nahya A'nil Munkar).*

On the other hand, those of us that can read Arabic and took the time and trouble to read Muslim sources on the history of Andalus in Arabic, then the picture is certainly clearer with the glaring and the almost inexplicable abrupt end to the account of Islam in Spain. As I explained earlier, for reasons that I will touch upon in the conclusion of this work, Muslim historians' account of Islamic Spain ends in 1492 with the capitulation treaty being signed between Abu AbdAllah Muhammad *Ithna Ashr*(The 12th), which surrendered the Emirate of Garnata to the Spanish, but at the same time allowed the Muslims that remained in the Emirate, full freedom of worship and protected their rights, (going as far as even promising to punish anyone who peers into a Muslim household). The agreement seemed to be made binding upon the Spanish Crown of Castille but as we shall see, it was broken within ten years after the agreement was put into effect, (I have included terms of the capitulation from Carvajal's account in Appendix G and Imam Maqri's in I). Great insight is offered on the issue of the Moriscos and Muslims in Spain after 1492, and the ambivlance shown by Muslims towards the issue by Prof. L.P. Harvey of the University of Chicago:

> "It is surprising that there has been so little debate within the Islamic world about this final aspect of the experience of Spains Muslims. In 1991, when the Islamic peoples are in the midst of a great debate on where they stand in relation to the modern western world, the

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[10] In Maghrebi Arabic spoken in Morocco, '*zambra*', (in Arabic *Zamra'*), means party. Originally this Arabic term was used to describe the noises made by the sounds of lively crowds and certain musical instruments, such as in a party or celebration. The term was applied during the 15th century in Spain when the Muslims continuted their famous and traditional celebrations of song, dance, music, joke and story telling or '*Zamr*.' Documents dated to the 1600's describe the *Zamra'* as festivities with the music of wind instruments such as the sounds of pipes and flutes. These were banned by the Kingdom of Spain in the 16th century as sign of Muslim culture, (as were other things such as hijab and salat among many others). 'Zambra' could also mean a band of musicians and may have derived from the Arabic word "Samra'" that meant an 'evening party that went on all night' or 'zamara' meaning 'musicians.' The word was also been used to describe an 'uproar' or 'sound of certain instruments and muffled voices with merry-making. If any one was curious, the custom of shouting 'ole' in Spain, (generally and in the dance called Flamenco), is derived from the Arabic expression Wa'Allah ('By Allah') that was presumably used during the *Zamra'* dances.

> experience of the Moriscos is not without relevance. Rather than focus on the Moriscos, however, modern Muslims seem to prefer to direct their attention towards other aspects of the experience of Andalus, on the philosophers of the $5^{th}/11^{th}$-$7^{th}/13^{th}$ centuries, or on the heroic conquerors of earlier periods, (Manuela, 'Handbuch Der Orientalistik,' 303)."

Undoudbtedly, a clear understanding of this most complicated, (but nonetheless, important), of histories can not be attempted until we briefly recap Andalus's history to bring the issue at hand, (Muslims in Andalus post-1492), in perspective.

Chapter 1:
Muslims in The Maghrib & Spain from 711-1492

As Islam started spreading rapidly from the Arabian Peninsula, the Mujahideen opened up many lands to the *Dawa*, (or call/preaching), of Islam on the foundation of *tawheed*. Amr Ibn Al Aas was one of the many *Sahaba*, (companions of the Prophet, Peace and Blessings Upon Him), and Mujahids that were involved in these expeditions. He opened, (*Fataha*), Egypt in 641 CE and set up the city of Fustat as a launch pad for further expansion of the Islamic *Dawa* into Africa. Muslim Expeditions reached further into Africa until they reached Qayrowan in Ifriqiya, (Present day Tunisia), led by the nephew of Amr Bin Al Aas, the Ummayad General Uqba Ibn Naafi. Subsequently Qayrowan replaced Fustat in 671 CE as a launch pad for further Muslim expedition in Africa and Southern Europe.

At around thia time in Dimashq, (Damascus), The Ummayads were trying to strategize how best to take Constantinople, (Istanbul), due to it being the capital of the Eastern Roman Empire, (or Byzantium, or 'Rum'), and in an attempt to attain the blessed status promised to the one who opens Constantinople:

عن عبدالله بن بشر الغنوي عن أبيه أنه سمع النبي صلى الله عليه وسلم يقول:

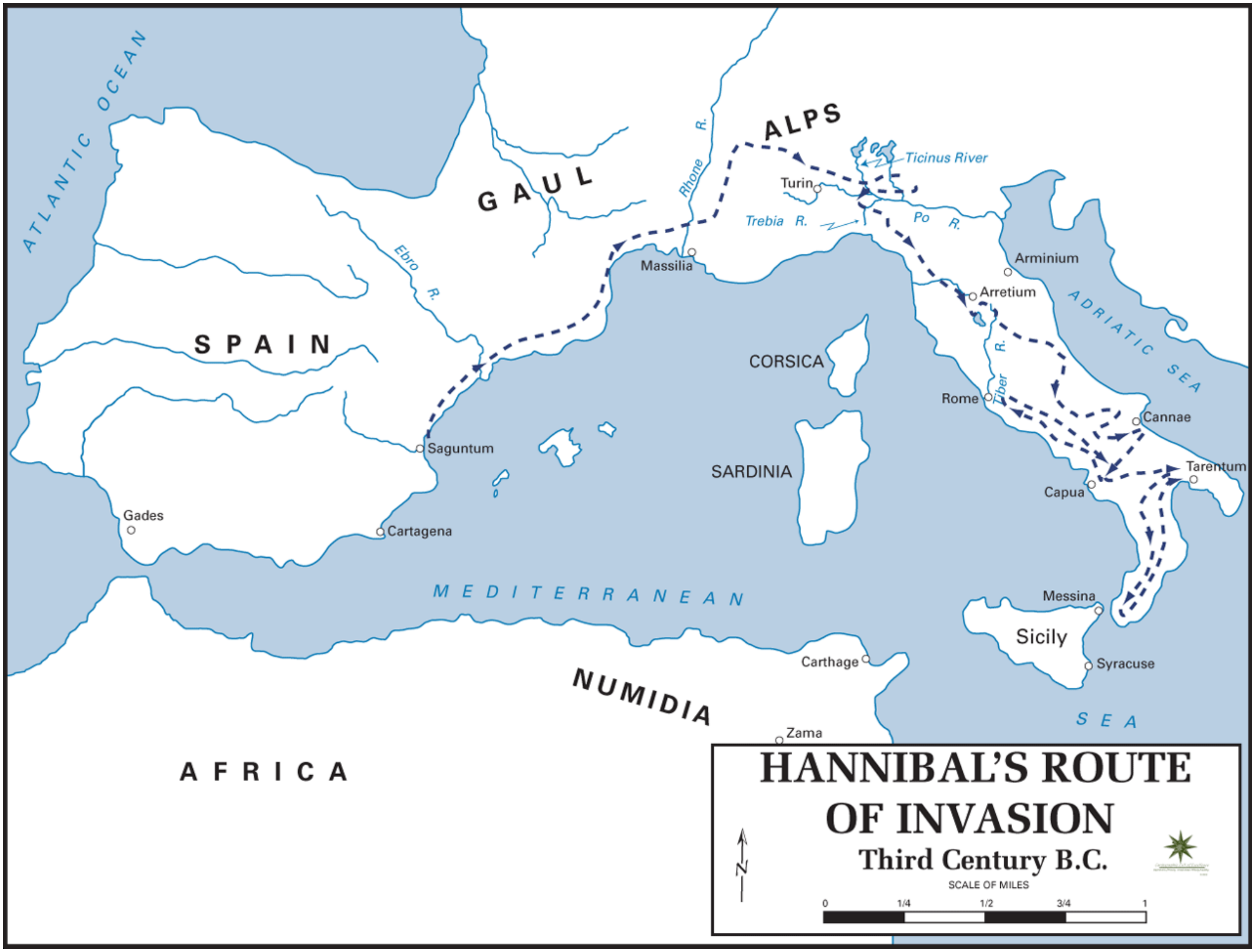
﴿لتفتحن القسطنطينية, فلنعم الأمير أميرها, ولنعم الجيش ذلك الجيش﴾[11]

Abdullah Bin Bashr Al Ghanawi narrates that his father heard the Prophet (صلَّى الله عليه وسلَّم), say: "Verily you shall conquer Constantinople. What a wonderful leader will her leader be, and what a wonderful army will that army be!"

The father of the Governor of Bani Ummaya in Qayrawan, Musa Bin Nusayr, had advised the Khalifa Muawiya (RA) that the only way to take Constantinople was from the south, (through Anatolia) and north, (up through Spain, France, Italy, Romania and Hungary) and so Musa was commissioned to begin the invasion of Europe to reach Constantinople. It was a move that harked of the strategy of the Carthaginian General Hannibal, (and some historians say deliberately so on the part of Musa Bin Nusayr's father, in that he was aware of Hannibals strategy), and his strategy to attack Rome by attacking, first, the Roman province of Hispania, (Spain), and then crossing the Pyrenees and working his way down the Italian Peninsula to attack Rome. Albeit, in Hannibal's case, Scipio Africanus got the better of his forces for a variety of reasons, (leading to the end of the already

[11]Narrated in Imam Ahmed's *Musnad* (18189), Imam Bukhari's *Tareekh Al Kabir* (1760), and Al Hakim's *Mustadrak* (8300)

crippled Carathaginian Empire[12] in the Third Punic War at the hands of another Scipio, Scipio Aemilianus Africanus in 146 BC), the Khalifa Muawiya believed the tactic could work and so ordered Musa to be groomed to go to Spain. However due to delays and a civil war[13] between Muslims, the plan was delayed.



[12] Carthage was one of a number of Phoenician settlements in the western Mediterranean that was created to facilitate trade from the cities of Sidon, Tyre and others from Phoenicia, which was situated in the coast of what is now Syria, Lebanon and Israel. In the 3rd and 4th Century, it was a power to rival Rome and the leadership of Hannibal and his father before him.

[13] The Second Fitna which took place during 680-692 CE which include the killings of of Hussayn Bin Ali, (grandson of the Prophet (صلَّى الله عليه وسلَّم)), and his followers at the Battle of Karbala, the revolts of Ibn Al-Zubayr and the *khawarij* revolts in Iraq and Persia.

Khalifa Muawiya's Plan to Open Constantinople



Explanation of colors

The Christian world is colored yellow
The Heathen world is colored green
The Mohammedan world is colored blue

Red Denotes the Movement from the South of Muslim Armies
Green denotes movement of Musa's Armies

In 710 CE, as a preliminary intelligence collection mission[16], Tareef Ibn Malik, (a Berber Commander under Musa Bin Nusair), was sent to recon the southern coastline of Andalus, with the help of Julian, (Governor of Ceuta under the Visigoths), in order to guage enemy capabilities and to designate a suitable landing spot for a subsequent larger raiding force to remove Roderic. The recon and subsequent test raid was successful and, after Musa got word of the mission's success, decided to go forward with a full scale land raid into Andalus. At this very moment, their was a fracturious civil war underway in the Visigothic Kingdom, weaking army morale, reducing coordination of their forces and leaving them off-guard for a possible Muslim raid.

In 711 CE Tariq Bin Ziyad landed 7,000 fighters at Jabal Tariq, (Gibralter), to begin the invasion of Spain through a continuous northward thrust of raids deeper and deeper into Visigothic territory. After a series of raids in enemy territory a decisive engagement took place at the Battle of Guadalete[17], Tariq ibn Ziyad defeated King Roderic, the last Visigothic ruler of Hispania, at the Guadalete River in the south of the Iberian Peninsula. Tariq goes on to take Tulaytula, while a detachment under Mugeyth Al-Rumi took Qurtuba. Due to internal strife within the Visigoth kingdom and the discipline of the Mujahideen, the Muslim army easily defeated Roderic's army of over 20,000 men almost without resistance.

The Islamic armies establish control of Andalus as a *Wilayat*, (province/governorate), under the Ummayad Khilafa with the capital initially being in Ishbiliyyah, (Seville), while Islamic law was established with the Christians and Jews being given their rights as *Ahl Al-Dhimma*[18]. At the same time, without wasting a moment, detachments of mujahideen and their commanders fan out across the peninsula to put down the revolts of the seditious local Christians and continue to push northwards to liberate further Christian territory reaching all the way to Tours in 732 CE wherein the encountered Charles Martel and his armies. Under the command of then Governor of Andalus, Abdul Rahman Al Ghafiqi faced off against the Franks[19]under Martel at Tours, (which Martel decided due to his familiarity with the terrain), with 60,000 mujahideen, versus Martel's 30,000 troops. Abdul Rahman assumed these were just one of the many numerous rebellious barbarian tribes that had ravaged the Romans, (i.e. ragtag and without troop discipline, preferring to overwhelm the enemy without recourse to any particularly clever strategy), and that Martel was just one of the many tribal leaders that were not particularly motivated, and would either flee or negotiate after a few skirmishes.

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[16] Imam Maqri says that Musa Bin Nusayr wanted to hurry into the invasion, but the *khaleefa*, Abd Al Malik Ibn Al Waleed, insisted on reconnaissance, showing the military acumen of Abd Al Malik Ibn Al Waleed. In hindsight, his foresight paid off.

[17] Muslim historians placed this battle at slightly different places, as, according to Abd Al Hakam in *Futūh Misr*, said the battle took place at Medina Sidonia or *Shedunya*, while others specified further that it at happened at *Wadi Lakka*, which is identified as the Guadelete River.

[18] The people of the *dhimma* or pact of protection which is the one whose dhimma (responsibility of protection has been taken) is a non-Muslim subject of a land governed in accordance with the Sharia. The obligation of the state is to protect the *Dhimmi's* life, property, and freedom of religion, (which does not include proselytization), and worship, and required loyalty to the empire, while charging a poll tax known as the *jizya*, and exemption from military service.

[19] West Germanic tribes first identified in the 3rd century as an ethnic group living north and east of the Lower Rhine. Under the Merovingian dynasty, they founded one of the Germanic monarchies which replaced the Western Roman Empire from the 5th century. The Frankish state consolidated its hold over large parts of western Europe by the end of the eighth century and the Carolingian Empire and its successor states were Frankish.

However, he was proven wrong, as Martel executed a victory by using the land to his advantage by employing a phalanx[20] formation and fighting downhill, (to negate cavalry charges that would have to charge uphill). Notably, Martel fought without cavalry, (i.e. horses), which would be the equivalent of a modern national army going into battle with only infantry, (i.e. no planes, tanks, trucks, or satellites). Moreover, a rumor spread during the battle that Martel's men had snuck into the Muslim camp to steal the *ghaneema* (booty/spoils). As soon the call went out the mujahideen raced to rear camp to defend their apparently besieged *ghaneema* while leaving this commander and a few detachments exposed to Frankish attacks, (in a replay of the Battle of Uhud[21] all over again), leading to the death of Abd Al Rahman .

His army routed the Muslim army with many mujahideen and, their commander, Abd Al Rahman Ghafiqi attaining *Shahada*, that most loftiest of stations[22]. Losses upon the Muslim army were estimated to be approximately 10,000. In the aftermath, disunity on part of the Muslim army destroyed any chance of a real counterattack which could have stolen victory from the jaws of defeat, in that, the commanders in the Mujahideen camp could not decide on whom to nominate to lead them and fell into dispute. All the while, Martel capitalized on this and continued bringing the fight to the mujahideen. On this point, the Quranic viewpoint has to be examined, (and it is important in spite of the fact, this is supposed to be a brief introduction to the topic of Muslims after the fall of Andalus), along with the strategic military shortfalls as well. Allah (سبحانه و تعلى) says:

﴿وَلَقَدْ صَدَقَكُمُ اللَّهُ وَعْدَهُ إِذْ تَحُسُّونَهُمْ بِإِذْنِهِ حَتَّى إِذَا فَشِلْتُمْ وَتَنَـٰزَعْتُمْ فِى
الأَمْرِ وَعَصَيْتُمْ مِّن بَعْدِ مَآ أَرَاكُمْ مَّا تُحِبُّونَ مِنكُم مَّن يُرِيدُ الدُّنْيَا وَمِنكُم مَّن يُرِيدُ
الآخِرَةَ ثُمَّ صَرَفَكُمْ عَنْهُمْ لِيَبْتَلِيَكُمْ وَلَقَدْ عَفَا عَنْكُمْ وَاللَّهُ ذُو فَضْلٍ عَلَى الْمُؤْمِنِينَ
إِذْ تُصْعِدُونَ وَلاَ تَلْوُونَ عَلَى أحَدٍ وَالرَّسُولُ يَدْعُوكُمْ فِى أُخْرَاكُمْ فَأَثَـٰبَكُمْ -
غَمّاً بِغَمٍّ لِّكَيْلاَ تَحْزَنُواْ عَلَى مَا فَاتَكُمْ وَلاَ مَآ أَصَـٰبَكُمْ وَاللَّهُ خَبِيرٌ بِمَا
تَعْمَلُونَ﴾[23]

[20] A rectangular mass military formation, usually composed entirely of heavy infantry armed with spears, pikes, or similar weapons. The term is particularly (and originally) used to describe the use of this formation in Ancient Greek warfare. The word phalanx is derived from the Greek word *phalangos*, meaning the finger.

[21] A battle that occurred near Jabal Uhud, (near Medina), in 625 AD/3 AH between the Muslims and the Makkan Quraysh a year after the Battle of Badr.

[22] It is for that very reason that this battle is called my Muslim historians معركة بلاط الشهداء or The Battle of the Court of Martyrs

[23] Surah Al Imran, Verses 152-153

And Allah did indeed fulfill His promise to you when you were killing them (your enemy) with His permission; until Fashiltum[24] and fell to disputing about the order, and disobeyed after He showed you what you love. Among you are some that desire this world and some that desire the Hereafter. Then He made you flee from them, that He might test you. But surely, He forgave you, and Allah is Most Gracious to the believers.

(And remember) when you ran away without even casting a side glance at anyone, and the Messenger was in your rear calling you back. There did Allah give you one distress after another by way of requital, to teach you not to grieve for that which had escaped you, nor for what struck you. And Allah is Well-Aware of all that you do.

Ibn Kathir States in these verses, (regarding The Battle of Uhud), about how the Archers on the peak of Uhud disobeyed the orders of Prophet (صلَّى الله عليه وسلَّم), with the desire to to not miss out on attaining *Ghaneema* from the apparently defeated Makkan coalition.
He states:

This Ayah means, Allah gave them the upper hand to try and test you, O believers…He forgave the error you committed, because, and Allah knows best, the idolators were many and well supplied, while Muslims had few men and few supplies.
Al-Bukhari recorded that Al-Bara' said, "We met the idolators on that day (Uhud) and the Prophet appointed `Abdullah bin Jubayr as the commander of the archers. He instructed them, `Retain your position, and if you see that we have defeated them, do not abandon your positions. If you see that they defeated us, do not rush to help us.' The disbelievers gave flight when we met them, and we saw their women fleeing up the mountain while lifting up their clothes revealing their anklets and their legs. So, the companions (of `Abdullah bin Jubayr) said, `The booty, the booty!' `Abdullah bin Jubayr said, `Allah's Messenger commanded me not to allow you to abandon your position.' They refused to listen, and when they left their position, Muslims were defeated and seventy of them were killed. Abu Sufyan shouted, `Is Muhammad present among these people' The Prophet said, `Do not answer him.' Then he asked, `Is the son of Abu Quhafah (Abu Bakr) present among these people' The Prophet said, `Do not answer him.' He asked again, `Is the son of Al-Khattab (`Umar) present among these people As for these (men), they have been killed, for had they been alive, they would have answered me.' `Umar could not control himself and said (to Abu Sufyan), `You lie, O enemy of Allah! The cause of your misery is still present.' Abu Sufyan said, `O Hubal, be high!' On that the Prophet said (to his Companions), `Answer him back.' They said, `What shall we say' He said, `Say, Allah is Higher and more Sublime.' Abu Sufyan said, `We have the (idol) Al-`Uzza, and you have no `Uzza.' The Prophet said, `Answer him back.' They asked, `What shall we say' He said, `Say, Allah is our protector and you have no protector.' Abu Sufyan said, `Our victory today is vengeance for yours in the battle of Badr, and in war (the victory) is always undecided and is shared in turns by the belligerents. You will find some of your killed men mutilated, but I did not urge my men to do so, yet I do not feel sorry for their deed.'[25]

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[24] Ibn Katheer says in his Tafseer that: "Ibn Jurayj said that Ibn `Abbas said that Fashiltum means, `lost courage'." In this context it is "…you lost courage"
[25] Sahih Bukhari

" Only Al-Bukhari collected this Hadith using this chain of narration. Muhammad bin Ishaq said that, `Abdullah bin Az-Zubayr narrated that Az-Zubayr bin Al-`Awwam said, "By Allah! I saw the female servants and female companions of Hind (Abu Sufyan's wife) when they uncovered their legs and gave flight. At that time, there was no big or small effort separating us from capturing them. However, the archers went down the mount when the enemy gave flight from the battlefield, seeking to collect the booty. They uncovered our back lines to the horsemen of the disbelievers, who took the chance and attacked us from behind. Then a person shouted, `Muhammad has been killed.' So we pulled back, and the disbelievers followed us, after we had killed those who carried their flag, and none of them dared to come close the flag, until then."' Muhammad bin Ishaq said next, "The flag of the disbelievers was left on the ground until `Amrah bint `Alqamah Al-Harithiyyah picked it up and gave it to the Quraysh who held it."[26]

Allah said,

﴿ثُمَّ صَرَفَكُمْ عَنْهُمْ لِيَبْتَلِيَكُمْ﴾

Then He made you flee from them, that He might test you… [27]

…Allah said,

﴿لِّكَيْلاَ تَحْزَنُواْ عَلَى مَا فَاتَكُمْ﴾

by way of requital to teach you not to grieve for that which had escaped you, for that you missed the booty and triumph over your enemy…

Imam Ibn Kathir Continues:

﴿ثُمَّ أَنزَلَ عَلَيْكُمْ مِّن بَعْدِ الْغَمِّ أَمَنَةً نُّعَاساً يَغْشَى طَآئِفَةً مِّنْكُمْ وَطَآئِفَةٌ قَدْ أَهَمَّتْهُمْ أَنْفُسُهُمْ يَظُنُّونَ بِاللَّهِ غَيْرَ الْحَقِّ ظَنَّ الْجَـهِلِيَّةِ يَقُولُونَ هَل لَّنَا مِنَ الاٌّمْرِ مِن شَىْءٍ قُلْ إِنَّ الاٌّمْرَ كُلَّهُ للَّهِ يُخْفُونَ فِى أَنْفُسِهِم مَّا لاَ يُبْدُونَ لَكَ يَقُولُونَ لَوْ كَانَ لَنَا مِنَ الاٌّمْرِ شَىْءٌ مَّا قُتِلْنَا هَـهُنَا قُل لَّوْ كُنتُمْ فِى بُيُوتِكُمْ لَبَرَزَ الَّذِينَ كُتِبَ عَلَيْهِمُ الْقَتْلُ إِلَى مَضَاجِعِهِمْ وَلِيَبْتَلِىَ اللَّهُ مَا فِى صُدُورِكُمْ وَلِيُمَحِّصَ مَا فِى قُلُوبِكُمْ وَاللَّهُ عَلِيمٌ

[26] Sahih Bukhari
[27] Surah Al Imran, Verse 152

إِنَّ الَّذِينَ تَوَلَّوْاْ مِنكُمْ يَوْمَ الْتَقَى الْجَمْعَانِ إِنَّمَا اسْتَزَلَّهُمُ – بِذَاتِ الصُّدُورِ
الشَّيْطَـنُ بِبَعْضِ مَا كَسَبُواْ وَلَقَدْ عَفَا اللَّهُ عَنْهُمْ إِنَّ اللَّهَ غَفُورٌ حَلِيمٌ﴾[28]

Then after the distress, He sent down security for you. Slumber overtook a party of you, while another party was thinking about themselves and thought wrongly of Allah -- the thought of ignorance. They said, "Have we any part in the affair'' Say: "Indeed the affair belongs wholly to Allah.'' They hide within themselves what they dare not reveal to you, saying: "If we had anything to do with the affair, none of us would have been killed here.'' Say: "Even if you had remained in your homes, those for whom death was decreed would certainly have gone forth to the place of their death,''

but that Allah might test what is in your breasts; and to purify that which was in your hearts (sins), and Allah is All-Knower of what is in the breasts.

Those of you who turned back on the day the two hosts met, Shaytan only caused them to err because of some of what they had earned. But Allah, indeed, has forgiven them. Surely, Allah is Oft-Forgiving, Most Forbearing.

…The second group mentioned in the Ayah were the hypocrites who only thought about themselves, for they are the most cowardly people and those least likely to support the truth…

﴿وَطَآئِفَةٌ قَدْ أَهَمَّتْهُمْ أَنْفُسُهُمْ﴾

"While another party was thinking about themselves," and they were not overcome by slumber because of their worry, fright and fear…

Similarly, Allah said in another statement,

﴿بَلْ ظَنَنْتُمْ أَن لَّن يَنقَلِبَ الرَّسُولُ وَالْمُؤْمِنُونَ إِلَى أَهْلِيهِمْ أَبَداً﴾

"Nay, but you thought that the Messenger and the believers would never return to their families"[29].
This group thought that the idolators achieved ultimate victory, when their forces took the upper hand in battle, and that Islam and its people would perish. This is typical of people of doubt and hesitation, in the event of a hardship, they fall into such evil thoughts…

[28] Surah Al Imran, Verse(s) 154-155
[29] Surah Al Fath, Ayah 12

…Allah the Exalted said,

﴿قُل لَّوْ كُنتُمْ فِى بُيُوتِكُمْ لَبَرَزَ الَّذِينَ كُتِبَ عَلَيْهِمُ الْقَتْلُ إِلَى مَضَاجِعِهِمْ﴾

"Say: "Even if you had remained in your homes, those for whom death was decreed would certainly have gone forth to the place of their death,''

Meaning, this is Allah's appointed destiny and a decision that will certainly come to pass, and there is no escaping it. Allah's statement,

﴿وَلِيَبْتَلِىَ اللَّهُ مَا فِى صُدُورِكُمْ وَلِيُمَحِّصَ مَا فِى قُلُوبِكُمْ﴾

"That Allah might test what is in your breasts; and to purify that which was in your hearts," means, so that He tests you with whatever befell you, to distinguish good from evil and the deeds and statements of the believers from those of the hypocrites…

After that lengthy explanation by Imam Ibn Kathir, the point to drive home is that at Uhud, what destroyed the battle strategy was a combination of indiscipline, disobeying orders, (and at that, the Prophet (صلَّى الله عليه وسلَّم) orders), their fear of the enemy and dieing, weak *iman* and greed for *Ghaneema*. All of these factors slot almost identically into the loss at Tours.

Strategically speaking, the battle preperations by the Muslim army were too hasty to say the least, and their reconnaissance of Martel's troop numbers and capabilities were poor and based more on bravado than on old-fashioned reconnaissance and intelligence. Secondly, Abd Al-Rahman's army made the massive mistake of allowing the native enemy to choose the battlefield, which was disastrous in this case, as Martel lured the mujahideen in a battlefield where he negated their advantages (i.e. cavalry/horses), and minimized his weakness, (his weakness of not having cavalry). Furthermore his troops were better drilled and trained and had greater battle experience, (almost four years of fighting together as a unit prior to this engagement), whereas the mujahideen were rag-tag with some who had battle experience, and some who merely went along for the *ghaneema*. This indiscipline first led to the collapse of the Muslim base camp but moreover led to the later confusion in succession of leadership, (in that the Mujahideen failed to make appropriate preparation for the possible event of their commander being killed). To avoid these problems, or at the very least, to avoid a repition of these mistakes in future or current battles, the lessons learnt are:

- **Rigorous training for Rank and File:** Discipline is always needed in high pressure situation and its makes the difference between victory and defeat. This includes sticking to standard procedures and not making assumptions that are not based on facts on the ground. By that I mean:

    1. ***Making sure a tentative battle plan is in place***
    2. ***Making sure to always do adequate Recon of target in question***
    3. ***Drafting a comprehensive Plan of Battle:*** *by drafting an Order of Battle by incorporating intelligence, (both of troop capabilities and Geographical Intelligence*

of enemy location, and if it is suitable for a confrontation, and if not, where is the best place to engage them).

4. ***Then finally, give the order to execute***

- **Contingency Planning:** Put in place a succession plan of leadership, in the case of death of first layer of leadership, with procedures to deal with the prevailing situations in order to avoid drop in morale and coordination of troops.
- **Intelligence and Recon:** These two components are integral to battlefield domination and victory. If it is defective, then the army's preparation may not be equipped properly for the enemy they will face, which might possibly lead to loss of life and defeat.

The battle marked the northernmost point of the spread of the Islamic *Dawa'*, wherein afterward, no raid or campaign was quite so adventurous to venture that far north. Subsequently, after this battle, the Berbers of North Africa and, later, the people of Al Andalus rebelled against the Ummayad Government in place in 739 CE in the *Maghribain*, (North Africa and Andalus), due to their grievance that the government was not inclusive of Berbers and was discriminatory towards them. This revolt lasted four year wherein, soon after the Ummayad Dynasty was overthrown by the Abbasids in 749 CE. At this time, an Ummayad Emir, Abd Al Rahman *Al Dakhil*, (Abd Al Rahman I), escaped from the clutches of the Abbasid death squads and made his way out of Iraq, zig-zagging his way through *Sham*, North Africa and then finally to Andalus, where he established, (after numerous battles), the Ummayad Emirate of Qurtuba in 756 CE. The Emirate lasted till 929 CE and intermittment Christian rebellion continued throughout this period along with infighting between Muslims, (Berber vs. Arabs, New Muslims vs. Old Muslims, Shami's vs. Yemeni's etc.). A notable event during this period was the *jihad* declared by Hisham bin Abd Al-Rahman Al-Dakhil, (Hisham I), in 792 CE against the Christians in France and Andalus. Ten of thousands of Muslim flocked from as far away as *Sham* to join the *jihad*.

Another notable event during this period came in 850-859 CE, when Perfectus, a Christian priest in Muslim-ruled Córdoba, is beheaded after he refuses to retract numerous insults he made about Muhammad (صلَّى الله عليه وسلَّم). He is reported to have said that the The Prophet (صلَّى الله عليه وسلَّم), was a "…false Prophets foretold by Christ and as a moral reprobate who had seduced the wife of his kinsman. (http://www.orthodoxengland.btinternet.co.uk/oecordob.htm)." Similar things were said by the remainder of this Christian contingent. Numerous other priests, monks, and laity would follow as Christians became caught up in a zest for 'martyrdom.' In total forty-eight Christians men and women are decapitated for refusing to convert or blaspheming Muhammad. They are known as the Martyrs of Córdoba. One can not help but wonder if the same is reoccurring as the 'Martyrs of Free Speech' lead their crusade against the character of the Prophet (صلَّى الله عليه وسلَّم), are merely a repition of the above misguided individuals? Their end will probably be the same as of their idols, but I digress, more on that later in the conclusion.

The next significant development is the resurrection of the Ummayad *khilafa* in Andalus in 929 CE. How did it come about? Abd al-Rahmān ibn Muhammad ibn ʿAbd Allāh, (Abd Al Rahman III), faced with the threat of invasion by the Fatimids[30], proclaims himself *khalifa* of Qurtuba, breaking all ties with the Abbasid *khilafat* in Baghdad. Under the reign of Abd al-Rahman III, (and his fore-runners), Al Andalus reaches its greatest height with military expansion and waging *Jihad* against the Christians to the north continuously. However by 1008, Muhammad Al Thani Al Mahdi, (Muhammad II) – great-grandson of Abd al-Rahman III – deposes Hisham II as *khalifa*, (Hisham will

[30] Ismaili Shia dynasty operating out of Egypt

get reinstated in 1010 but then subsequently deposed and killed by rebel Berbers in 1013 while they massacre half the population of Qurtuba). The period of anarchy over the next 23 years is what resulted, albeit slowly, the fragmentation of Andalus into 30+ *Tawaif* (groups/seperate kingdoms), due to internal infighting, palace intrigues, Christian unity and increasing strength of Christian forces.

The Muluk Al Tawaif And The Rise Of The Murabitun:

Thus in 1031 CE began the era called the *Muluk Al Tawaif*, (or roughly translated as Party Kings, to imply the multitude of mini kingdoms that sprang up in the wake of the collapse of the Ummayad Khilafa in Andalus), period. It is a period that sped up the *reconquista*, (or reconquest of Islamic Spain by the Christians), due to Muslim forces being disunited and fighting amongst each other, but also a period that began the processes of increasing Muslim usage of Christian mercenaries, or vice versa, Muslim fighting alongside Christian armies to fight Muslim rivals. However, on a brighter note, it is also the period which saw the *mujahid* Commander, Yusuf Ibn Tashfin being requested to land at the shores of Spain to save the Muslims kingdoms from annihilation by an impending Christian onslaught. Ironically of the many princes that requested Tashfeen's increasingly powerful *mujahid* Murabitun[31] army from Africa was Muhammad Ibn Abbad Al Mu'tamid, (or simply Al Mu'tamid), the ruler of Seville, who had in 1074 CE fought the Murabitun army and ejected them from Jaen, (in Arabic جيان), was not in 1086 CE asking for the help against Alfonso VI of Castile, (a clear indication of the dire situation on the part of these corrupt Muslim rulers). In retrospect it was a period not unlike our own in the 20th Century CE, there were taxed imposed on the people that were not from the Quran and Sunnah, Alcohol was everpresent as was debauchery, excessive love of poetry, (Al Mu'tamid was actually quite a famous poet himself), *Bid'ah*, (innovation in the Religion), misguidance due to Greek Philsophy, forgetting the essential concepts of *Wala* and *Bara* (loving and hating something for Allahs (سبحانه و تعلى) sake), while cooperating with the *Kuffaar* against Muslims and adopting their habits and practices. The Murabitun were a breath of free air that came to revive the *deen* in andalus and cleanse it from the impurities acquired over a century of mismanagement, greed and *Fitan*, (corruption). Little did Yusuf know that the fruits of his *jihad* would be snatched by corrupt rulers looking to their own survival, rather than making Allah's Word the highest. In any case Murabitun intervention was successful, capped by a spectacular success at the battle of Zallaqa where 7500 Castillian troops or more died, (out of 15,000 at the beginning of the battle), which why the battle was named Zalaqah, (slippery ground), since there was so much blood on the floor that soldiers were loosing their foothold. With a series of confrontations at behest of the Andalusi kings, the Murabiteen mujahideen kept a check on increasing ambition on the part of Christian forces hoping to reconquer land back from the Muslim kings. Yusuf bin Tashfeen returned home with his *jihad* complete, however as soon as he left the Christian pressure began once again and the *jizyah* like payments began once more to be extracted from the *Buyut Al Maal* (Treasuries), of the Muslim Kings on the fringes of Christian Spain as a bribe to avoid Spanish attacks upon Muslim territory, (The Muslim kings and their armies were notoriously afraid to fight and avoided it at any cost, even if it meant bankrupting the lands treasury). At the same time Muslim territories were being lost to the Chrisitians in the northern frontier. One of these was *Barbushtaru* [Bobastro] in north-east Andalus, and bears the ignominious title of the first city to be captured by the Christians, as part of their *reconquista*, in 1064. Ibn 'Abd al-Bar wrote about this event and addressed the Muslims of Andalus:

> "Being frightened we are addressing you, seeking refuge we are writing to you: our eyelids are ulcerated, our hearts are wounded, and our souls are in flames. It is happened because our

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[31] Berber dynasty, that mostly consisted of the Lamtuna tribe, from the Sahara that spread over a wide area of northwestern Africa and the Iberian peninsula during the 11th century. Under this dynasty the Moorish empire was extended over present-day Morocco, Western Sahara, Mauritania, Jabal Tariq, Tlemcen and a great part of what is now Senegal and Mali in the south, and Spain and Portugal to the north in Europe. At its extent, the empire stretched 3,000 kilometres north to south. In western literature they are known as Almoravids

enemy has surrounded us like the encirclement of necklaces with the nape; they fought till they won. O Muslims, alas! You saw the lamentable conditions of your coreligionist brothers, they were defeated on their wealth and families, swords pierced their bodies deeply, death captured them, injections of javelins mocked them, clamor and howling increased. Bloods were flowing on their feet, floods of rain were in all ways, and their heads were flying in front of them. Now there is no rescuer and protector, and ears become deaf by the clamor of children and the weeping of women. O Muslim *Ummah*! Do you have any idea about the indescribable adversity of your coreligionists? Women and Children-compelled to be undressed- are driven to the places of slaughter, sometimes on their backs, other times on bellies, tied by ropes, bounded in chains and fetters. They are seeking help, but there are none to help them, they are shouting for food, but no food is supplied to them, they are crying for water, but is not given to drink, their dreams went stray and their delusive imaginations were wept out. O Prophet Muhammad! O Holy Quran! (Hoque)."

Ibn Al ‘Assal was affected by the calamity of Bobastro and composed a poem about it:

ولقد رمانا المشركون بأسهم   لم تخط لكن شأنها الاصماء

هتكوا بخيلهم قصور حريمها   لم يبق لا جبل ولا بطحاء

جاسوا خلال ديارهم فلهم بها   في كل يوم غارة شعواء

باتت قلوب المسلمين برعبهم   فحماتنا في حربهم جبناء

كم موضع غنموه لم يرحم به   طفل ولا شيخ ولا عذراء

ولكم رضيع فرقوه من أمه   له إليها ضجة وبغاء

وموصونة في خدرها محجوبة   قد أبرزوها ما لها استخفاء

- The *mushrikun* have thrown harms toward us, that never missed, and it was so fierce to make us deaf.
- Sacred palaces [of Bobastro] were torn apart by the strike of their horses troop, no hill or flatland remained intact.
- Enemies searched the houses [of the Muslims] and everyday they launched dreaded raids there.
- Hearts of Muslims spent the night filled with fear; since our protectors were cowards in the war.
- How many a place they ransacked, where no child, old man or virgin was pitied!
- How many babies, whom they have separated from their mothers, when they were crying for their mothers.
- Many protected and veiled women were dragged out in a way that no hide-out was left for them.

(Ibid)"

And today, our 'protectors' are cowards too, who neither defend us, nor aid the interest of Muslims, but rather kill Muslims, as part of their pastime.

In 1090, after long deliberation, Yusuf Bin Tashfin decided to come back to Andalus to get rid of the *Muluk Al Tawaif* and end the non-*shariah* based taxes that burdened the Muslims of their land, (these taxes were created to repay the massive debt incurred by the protection money demanded by the Christian armies of Castille). Upon hearing rumours that Yusuf bin Tashfin was coming to free them from the tyranny of the coward rulers that ruled over them, the populace of Andalus was elated. Yusuf had obtained fatwas from the Moroccan *fuqaha* which declared that the Muslim rulers of Andalus were unworthy of ruling since they had allied themselves with the Christians and had played a double game against the defenders of Islam. The *faqihs* of Granada, Abu Ja'far Ahmad al-Qulay'i and Abu Bakr ibn Musakkan were among those most eager to justify this intervention. By this *fatwa*, Yusuf was therefore authorised to demand of the Andalusi Kings that they carry out their precepts and abolish those taxes which were not prescribed by the Quran and the Sunna, (Bewley, Yusuf ibn Tashfin: The March Of Conquest Of Yusuf B.Tafsin). This would particularly affect the economies of those kingdoms which relied on all sorts of taxes and impositions to maintain their courts and pay off Alphonso.

Yusuf still had religious doubts which kept him from taking decisive action against the other kings of Andalusia, and so required further fatwas condemning their conduct. The *fuqaha* of Andalus declared that the Andalusian princes were libertines and impious and that they had corrupted the people by their bad example and made them indifferent to their religious duties. Furthermore, they had levied illegal taxes and, although Yusuf had commanded their abolition, they had maintained them. They had also concluded an alliance with Alphonso VI and so they were unworthy of ruling the Muslims any longer.

To finish, they said:

> "We take it on ourselves to answer for this action before Allah. If we are in error, we agree to pure the penalty of our conduct in the Next world. We declare that you, *Amir al-Muslimeen*, are not responsible. But we firmly believe that if you leave the Andalusi princes in peace, they will deliver our country to the unbelievers and if that is the case, then you will have to render an account to Allah of your lack of action, (Ibid)."

This *fatwa* was was extremely important to Yusuf, but he still was not completely satisfied until the *faqihs* of Africa had approved of it and he also sent to the famous scholars of Egypt and Asia and they had confirmed the opinion of the scholars of the Maghrib. Active lobbying on Ibn Tashfin's behalf was carried out by by the famous Andalusi scholar, Ibn Al Arabi in the Abbasid *khalifa's* court to allow Yusuf Bin Tashfin to be recognized and invested of authority by the Abbasid *khilafa*, (and thus provide the *sharia* justification need to fight the *Muluk Al Tawaif*). Thus al-Ghazzali[32] and Imam Tartushi[33] approved this *fatwa* and acknowledged that Yusuf had the right, as

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[32] Imam Ghazali was from Khorasan. He was a *Shafi'i* and an *Ashari*. Ghazali received many titles such as *Sharaful A'emma* (شرف الائمه), *Zainuddin* (زين الدين), *Hujjatul Islam*, meaning "Proof of Islam" (حجة الاسلام).
[33] Another Spanish Imam that came from the city of Tortosa in Spain, who immigrated to Jeruslam. He is most famous for his book *Siraj Al Muluk*.

defender of the *shariah*, to depose the Taifa kings.[34] However, it must be added that inspite of his intention to remove the rulers of Andalus, he did give *bay'a* (pledge of allegiance) to the 'Abbasid Khalifa and Ibn Tashfin refused to an accept any name other than the *laqab*[35] of *Amir al-Muslimin wa Nasir Al Din*, (Leader of the Muslims and the victor of the Religion). In other words, he didn't aspire to power or to challenge the Abbasid Khilafa. In his fatwa, Imam Ghazali says:

> "...They must listen and obey and firmly believe that obedience of the Abbasi *khalifa* is considered the obedience of the imam and his disobedience is considered the disobedience of the imam. And whoever rebels and disobeys the imam, the verdict applied to him is that of the *baaghi* [rebel/transgressor]…
>
> …And compliance of the command of Allah is to recognize [deferring to] the just Sultan- the one who pledges loyalty of the true imam, associated with the Abbasid *khilafa*. Anyone who rebels against the truth, he will be repelled by the sword to the truth. So it is compulsory on the *Emir* and his party to fight those who are rebellious. More importantly they turn to their Christian *mushrikeen* allies [*awliyaa*] for aid- and they are the enemies of Allah against the Muslims, who are the *awliyaa* of Allah and one of the greatest forms of worship is to fight them until they return to the obedience of the just *Emir* who steadfastly obeys the Abbasid *khilafa*."

Prior to the engagement, Sir Abi Bakr, one of Ibn Tashfin's Generals, asked what their rules of engagement were with the *Muluk Al Tawaif* and Yusuf replied thus, "order them to accompany thee to the enemy's country [to wage *Jihad* to defend the Muslim lands]; if they obey, well and good; if they refuse, lay siege to their cities, attack them one after the other, and destroy them without mercy. Thou shalt begin with those princes whose dominions border on the enemys frontier…(Makkari, Al Nafh Al Tibb, p. 296, Vol. II)." Of the many princes killed, (in the case of resistance to the Murabitun), were Al Mutawakkal Omar Ibn Muhammad who was the king of Badajoz and his two sons Al Fadhl and Al 'Abbas. In addition, Al Mu'tamid's, the ruler of Ishbiliyya, sons, Al Fath Al-Ma'mun and Yazid Al R'adhi were beheaded, while Malik was trampled under Horses, and Abdul Jabbar was assassinated by an arrow, (Makkari, Al Nafh Al Tibb, p. 297-300, Vol. II). It would be interesting to ascertain how the current day puppet Muslim scholars and rulers react to these actions by Tashfin and his troops to remove, in the word of Sir Abi Bakr, (in Maqri's *Nafh Al Tibb*), the rulers of Andalus who (not unlike their contemporaries), "…were plunged in pleasure and sloth…(Makkari, Al Nafh Al Tibb, 295, Vol. II)," while his men waged, "…incessant war [*Jihad*] against the Christians, and leading the at the same time a life of hardship and privation…(Ibid)." It would certainly nullify the argument that rebelling against the ruler is wrong Islamically, (as long as the ruler does not interfere/establishes prayer), unless one was to either say that the *Muluk al Tawaif* didn't pray at all themselves, (which would be a stretch, but granted, a possibility), or that Yusuf Tashfin was wrong and his reputation in the Muslim world as a hero and a *mujahid* who made the Christians taste bitter defeat and renewed the *Deen* in Andalus and cleansed it of the *bidah* and *shirk* that was present, would now be nullified to serve the purposes of petty, despotic and Machiavellian rulers, (willing to manipulate Islam to an unheard of extent to achieve their aims).

Yusuf sent emissaries to demand the submission of 'Abdullah. 'Abdullah asked for the help of Alphonso and other Taifa kings. He got lots of verbal encouragement, but no troops or other material

[34] A portion of this series of correspondences is included in Appendix J
[35] Epithet or title

help. Fearing the reprisals of Yusuf, the other lords left him to Yusuf's forces. 'Abdullah realised he was lost.

By 8 Sept 1090 CE, Yusuf arrived before Granada. 'Abdullah came out and humbled himself, admitting his mistakes and asking for his pardon. When he arrived before Yusuf, 'Abdullah dismounted and said he had been unfortunate to displease him and asked for his pardon. Yusuf reassured him that if he had any grievances against him, he had forgotten them and asked him to go to a tent where he would receive honours that suited him. When he was in the tent, he was loaded down with chains. Then Yusuf received the important people of the city and welcomed them and told them that they should have no fear of him. He received their homage and published an edict which abolished all taxes not prescribed by the Quran. Then he entered the city. 'Abdullah and his family were exiled to Maghrib al-Aqsa and installed in Aghmat. He was well treated and received a pension for his needs.

A short time later, in October, Yusuf deposed Tamim ibn Buluggin from Malaga, and, like his brother 'Abdullah, he was sent to Maghrib al-Aqsa and confined to Baziaf. Before returning to the Maghrib, Yusuf received the visits of al-Mu'tamid and al-Mutawakkil in Granada who came to congratulate him. Yusuf received them coldly, having been persuaded of their double game and the falseness of their words. The two princes left having received from Yusuf the command to abolish all illegal taxes and to employ themselves in fighting against the Christians.

By 1094, he had removed them all, except for the one at Zaragoza; and though he regained little from the Christians except Valencia, he re-united the Muslim power, and gave a check to the reconquest of the country by the Christians. With that began the Murabitun era of Andalus. At around the same moment a symbolic mark is reached in the Christain campaign of *Reconquista*, in that they conquer Tulaytala, (Toledo), in 1092 CE and forthwith, it never returned to Muslim hands. It would be the first of the major Muslim cities to fall the Christian Spanish forces permenantly.

Imam Tartushi wrote in his letter to Ibn Tashfin in 1098/1099, after Ibn Tashfin’s successful liberation of Andalus:

> “…Be aware, Abu Yaqub, that Allah, (سبحانه), has established *jihad* upon all Muslims, and it can never be rejected by neither tyrant, distanced from orthodoxy, nor the unrighteous who are far from Allah, until the establishment of the Hour. He, Allah (*Azza wa jal*) says:

﴿قَـٰتِلُوا۟ ٱلَّذِينَ لَا يُؤْمِنُونَ بِٱللَّهِ وَلَا بِٱلْيَوْمِ ٱلْـَٔاخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ ٱللَّهُ وَرَسُولُهُۥ وَلَا يَدِينُونَ دِينَ ٱلْحَقِّ مِنَ ٱلَّذِينَ أُوتُوا۟ ٱلْكِتَـٰبَ حَتَّىٰ يُعْطُوا۟ ٱلْجِزْيَةَ عَن يَدٍ وَهُمْ صَـٰغِرُونَ﴾

Fight against those who believe not in Allah, nor in the Last Day, nor forbid that which has been forbidden by Allah and His Messenger, and those who acknowledge not the

religion of truth among the People of the Scripture, until they pay the Jizyah with willing submission, and feel themselves subdued[36]

And He did not absolve our people [Muslims] to fight the enemy, as long as they do not deliver *jizya* or accept Islam, because this verse abrogates any another verse in the Book of Allah, the exalted, concerning fighting against the *kuffaar*…

…You have an obligation, therefore, to fight the heretics [*kuffar*] on those frontiers of Islam close to you, because you're the [Muslim] king closest to them, and have horses [*kura'*] and weapons, influence, machines of war, Muslim armies and soldiers, all at your command. And, like you, all the warriors, fighters, with strength and power, which are your neighbours and nearby to you. And, you are in a critical moment to stop losing those Muslims, with their wives and children, who are on the borders of Al Andalus. How is it that you do not imitate the defenders and warriors of Islam who had [come] up there [Andalus], from the lands of *hijaz*, to conquer and extend in them the word of Islam and *tawheed*? What about, therefore, he who is close and is a neighbour of those regions?…

Your insistence on fighting and your steadfastness, your support for the *deen* and… [the] *fuqaha*… pray for you and give great consideration [to you], and [it] makes us desire to go to fight the heretics [*kuffar*] near to you, and increase the wealth of Muslims who follow you. O Lord, who gives generously His bounty, we ask that you and we will be granted *shahada* in *jihad*. And humbly ask that you do see where the truth is, and follow that, and avoid the false as false..."

Try to find a scholar today that would give this advice to the *mujahideen* commanders. They usually preoccupy themselves, as the *Faqih* of the Marines does, in asking the *mujahideen* to surrender or telling them how they are *khawarij* or people of the hell-fire, as the Saudi court scholars usually do.

[36] Surah Al Tawba, verse 29

The Fall Of The Murabitun, Muwahiddun and The Christian Crusade Upon Garnata:

However, in short span of less than a hundred years, the Murabitun had been wrestled from power both in the Maghrib and Andalus by Muwahhidun[37] who accused of the Muraibtun of becoming lax in their application of the *Shariah* while claiming they had come to purify the region of its *Bida'*. In fact by 1147, victory was almost complete for the Muwahhidun, but that certainly stop the tempo of raids into Muslim territory by Christian forces. As it became clearer to later observers, each successive wave of internal 'regime change' undertaken, had resulted in lesser territory in Muslim possession as compared to the regime before. In other words, the internal tumult led only to more land falling into the hands of the Christians. If we look at the map on the next page, (The Spanish mangled the Arabic word 'Al Muwahiddun' into Almohad), we can see the state of the world and the Muslim holdings in the Maghrib and Andalus around 1200 CE. Notice how Portugal was no longer under Muslim Control as it had been taken as a result of the *Reconquista* campaign of the Christians.

In any case, The Muwahiddun captured and lost territory to the Christians, with a see saw like struggle taking place, where the Christians, being united and without the high level of strife present in the Muslim camp, were begin to tilt the momentum towards themselves. This momentum was violently tilted towards the Christians side at the Battle of Las Navas De Tolosa, (or معركة العقاب/The Battle of punishment/retribution), in 1212 CE where the Muwahiddun sustained, some historians say, 100,000 casualties resulting in crushing loss and the end of the Muwahiddun power over Andalus. In fact, between 1217-1252 CE, Fernando the III, (King of the Kingdoms of Castille and Leon), conquered all Muslims kingdoms, (including Qurtuba), leaving Garnata as the sole independent Muslim Kingdom. Therefore it can be said that by 1252 CE, the end of Islam in Andalus was nigh. This period marked sporadic uprising by local Muslims against their *kafir* occupiers but this memory is marked by treachery by Muslim rulers who worked openly with the *kuffaar* to safeguard their kingdom, while lying to their people about events unfolding. A great example of this is of Mohammad Ibn Al Ahmar, (who was the founder of the *Banu Nasr* dynasty that ruled Garnata till its fall in 1492). In addition, the Muslim lands and populations that came under Spanish control became 'Mudejars,' (or *Mudajjan*), or Muslims who lived under the Christian rulers and obeyed them while, the conversely the Spanish King promised to safeguard the *Shariah* and *Sunnah* and not meddle in its application and the Islamic practices of the populations. This designation ended in the beginning of the 16th century, as all Muslims, Garnati and others, were either expelled, imprisoned, expelled, killed, or baptized by force/coercion.

When Ferdinand III of Castile captured Qurtuba in 1236, Ibn Al Ahmar knew what was coming his way and approached Ferdinand to propose that in return for cooperating in the conquest of Muslim Seville, Garnata would be granted independence. Fernando agreed and took Seville. On returning to Garnata, Ibn Al Ahmar announced "there is no victor but Allah" (و لا غالب الا الله), which can be seen inscribed all over the Al Hamra' palace, (one can surely see the absurdity of his proclamation after what Ibn Al Ahmar did, but this is not the place to get into that debate). As agreed, Ibn Al-Ahmar continued to pay the required tribute to Ferdinand III of Castile in exchange for the independence of Granada. Subsequently Ibn Al Ahmar lost his other holdings to Castille and was left

[37] Berber dynasty, (mostly consisting of Masmuda tribesmen), that was founded in the 12th century, and conquered all northern Africa as far as Libya, together with Al Andalus.

with the city of Garnata only. Ofcourse the populace was kept in the dark about his backdoor deals, although rumours were rampant. It almost seems reminiscent of Muslim rulers of the 21st century, who use religion to justify their misdeeds while keeping their populace in the dark about their policies whether at home or abroad, and most importantly, about who is really controlling the nation. Clever PR tricks are the *soup de jour* for Muslim elites as one might want to give the example of a nation that flouts hundreds of court scholars that write lengthy treatises of how allowing *Kaffir* troops on their land is wrong in principle, but is needed now due to *maslaha* or the fact that it actively and passively assists *Kaffir* armies to murder Muslims.


Near East, 1200 AD
Finns
Kingdom of Sweden
Norway
Denmark
Scotland
Man
Aileach
Connaught
Wales
England
Friesland
Leon
Portugal
Castille
Aragon
German "Holy Roman" Empire
Hungary
Bulgaria
Serbia
Zeta
Bohemia
Morav
Silesia
Great Poland
Little Poland
Mazovia
Pomerania
Pomerelia
Prussians
Curonians
Livonians
Estes
Tarbatu
Lithuania
Polozk
Tourov-Pinsk
Galicia-Volhynia
Kiev
Novgorod
Smolensk
Chernigov
Pereyaslavl
Vladimir-Suzdal
Murom-Riazan
Volga Bulgaria
Yakut
Bashkirs
Cuman (Kipchak) Khanates
Gothia
Alans
Georgia
Shirwan
Azerbaijan
Seljuks
Ortukids
Mosul
Celicia
Crusader States
Sultanate of Khwarezm
Kara Khi
Khagana
Roman Empire
Pisa
Papal States
Kingdom of Sicily
Caralis
Balearic Emirate
Dominions of the Almohades
Emirate of Beni Ghaniya
Ibadites
Abassid Caliphate
Ayyubid Sultanate
Arab Tribes
Oman
Yemen
Ethiopia
Blemmyes
Makuria
Alodia
Ifat
Luo Peoples
Taureg Nomadic Tribes
Berber Tribes
Takrur
Jolof
Diafanu
Sosso (Ghana)
Songhay
Wagadugu
Mali
Mande Tribes
Yoruba Tribes
Ife
Hausa States
Kanem Empire
Sao Kingdom (Collapsing)
Bantu
Numbered Countri
1. Navarre
2. Toulouse
3. Provence
4. Flanders
5. Brabant
6. Holland
21. Moks
22. Yaresna
23. Ghiryu
24. Sama
25. Jenne
26. Gojjam

Garnata continued its policy of abating the Christians of paying them to leave them alone for almost 250 years, while increasingly mounting pitched battles to defend against ever ambitious Christian armies that realized that it was more useful to them to simply conquer Garnata and confiscate its wealth, populace and lands at once, than to keep it alive and bleed its populace to death. Thus the last 10 years of Andalus, (1482-1491 CE), were years where Andalus was in a state of economic and military exhaustion due to the continues raids against them by the Christians and the state of disarray of affairs in the Maghrib didn't allow for substantial reinforcements to help them, while in the Muslim world at large, the aftermath of the Crusades and the Mongol Invasion still loomed large, while the Savafid Shia's would later divert a large chunk of the Ummah's energy, (The Uthmanis, to the detriment of the Garnatis, were later preoccupied with this menace). The Uthmanis were indeed the hope the Garnatans looked towards after the glourious opening of Constantinople in 1453 CE, and hoped they would aid them. Abu Abdullah Muhammad, (*Boabdil* in Spanish), the 12th became the *Emir* of Garnata in 1482 by way of leading a coup against his father, (whom he expelled). At the Battle of *Sharqiya* in 1483 CE he was caught by Spanish forces. While under detention, the King of Castille, (Ferdinand), with his council deliberated on what to do with Abu Abdullah. Rodrigo Ponce De Leon summed up the then adopted strategy as such, "release Boabdil; grant a short truce, and accept any tribute offered, including the release of Christian prisoners. All that did not preclude prosecuting the war once the truce came to an end, when Castile itself would be in a stronger position. (Harvey, Islamic Spain 1250 to 1500: 1250 to 1500, 281)." The strategy was agreed upon to release him in order to free prisoners and extract payment from the Muslims, but to also make Abu Abdullah feel indebted to the Spanish for freeing him, and thus have their 'man' at the helm of Garnata. Rather, Abu Abdullah consented to hold Garnata as a tributary kingdom under Ferdinand and Isabella. The plan worked as in Abu Abdullah's mother agreed to Ferdinands terms by paying "…12,000 Doblas and the release of sixty prisoners a year for five years, and in addition ten noble youths (Boabdil's son Ahmad among them), were to pass into Castillian hands as hostages (Ibid, 282)." In 1485 he was released, and by 1486 he was in Garnata again. But the people were incensed at this deal as is reflected by a fatwa that survives in Wanshirisi's *Kitab Al Mi'yar Al M'urib* regarding the hostage swap wherein, the chief *Qadi* of Garnata Ibn Al Azraq, The *Mufti* Al Mawwaq, *Qadi* Abu Abdullah Muhammad Ibn Abd Al-Barr and others joined in to condemn the deal. They stated that there was no Islamic grounds for dropping allegiance to Abu Hasan, (the current commander and leader of Garnata), in favor or Abu Abdullah, and anyone who does so, does it in rebellion against Allah and The Prophet (صلَّى الله عليه وسلَّم). As it turned out, the Castilian move did not work, as people didn't switch their allegiances to Abu Abdullah.

Abu Abdullah tried winning people over by offering "…a promise that districts loyal to him would be spared the ravages of war, (Ibid, p. 288)." Simply put he was a pascifist looking to bring back peace and stability. This was a message that appealed to traders and countryside folk, which led to renewed in fighting amongst the rival Garnatan factions. Abu Abdullah continued to be the thorn in the side of the mujahideen under Emir Abu Hasan, dividing up the populace into two factions, (people that wanted peace and negotiations with Ferdinand and those that wanted to continue the *Jihad Al Difaa'* or defensive *jihad*). In fact by 1485, this strategy reaped rewards as the distracted and divided mujahideen at the city of Ronda were besieged by Ferdinand leading to the martyrdom of Emir Abu Hasan, leading to the succession of Abdullah Al Zagal or otherwise named Muhammd Bin Sa'ad, (Abu Abdullah's uncle), as Emir of Garnata and the Mujahideen. By October of 1486, Abu Abdullah had managed to muster troops to fight Al Zagal's forces in the city of Garnata, all the while, (according to Christian Sources), being in contact with the Spanish Monarchs in order to coordinate their efforts better. In fact, Hernando de Pulgar, (a Spanish writer and Councilor of State at the time in Spain), wrote in his '*Brief report on the Great Deeds of the Excellent Renowned Great Captain*':

> "The King and Queen favored this young king [Abu Abdullah] with a safeconduct and peace which they extended to those of his realm who supported him, such as the people of Albaicin [Al Bayyazin], who constantly wih their merchants entered Andalusia for bread and oil and necessary provisions. These merchants were well treated by the people on the frontier and the guards. Since Illora is the nearest pass to Granada, and since they were well treated there, that was where they always crossed" (Ibid, 291)

He goes on to say:

> "He [Abu Abdullah] sent to the king and queen to beg them to order the captains and governors on the frontier to increase their military pressure because by squeezing the city in that way he would be enabled to sustain his position in the Albaicin [Al Bayyazin] better. When the orders reached the frontier to as Boabdil [Abu Abdullah] had requested, Gonzalo Fernandez [i.e., the future Great Captain] took pleasure in pleasing and being of service to this young man in Albaicin [Al Bayyazin], where inhabitants were beginning to waver because they saw the old king's [Abu Abdullah] party was ever stronger in the city." (Ibid, 292)

In other words what is alleged is that Abu Abdullah asked the Spanish to increase pressure on Al Zagal on his front line while he would then attack his rear line. The predicament for Emir Muhammad Al Zagal was indeed dire, in that he had to balance defending the city against the Spanish while keeping Abu Abdullah's forces in check. The important town of Loja/Lawsha was beseiged by the Spanish crusaders along with foreign mercenaries from all over Europe. The town did subsequently fall, but as a result, embarisingly enough, the Spanish agent, King Abu Abdallah was recaptured by the Spanish, only to be speedily rereleased once again, (to avoid people getting the right idea that the Spanish were using Abu Abdullah to subdue the Muslims from within). As a result of the Spanish victory, they were able to move in from the west towards the countryside of Garnata.

In 1487, the Spanish decide to move onto to siege the key city of Maalaqa, (Malaga), on the western coast line, by first going through Balsh-Maalaqa, (Velez Malaga). It was an essential city for the Garnatans as it was their main life-line of supplies from North Africa, and if cut, it severly hurt Garnata in terms of supplies and any hope of receiving reinforcements in the future, (albeit no state in North Africa was in a position to send anything to help them due to their division and in fighting). Reportedly, (Hernando Pulgar's writings), we learn that the *Fuqaha* of Garnata were pleading with Emir Al Zagal to come to a truce with Abu Abdullah and concede his throne in order to safeguard Garnata from Spanish attack and to present a united front for the mujahideen and for the opposing Spanish army. Pulgar states the *Fuquha* allegedly:

> "…questioned him [Al Zagal], saying that if what he wished was to be king, of what country did he wish to be king, if it was all to be lost? In addition they told him that it would have been better if all the fighting which was taking place between his brothers and members of his family…had taken place in defense of the country, against its enemies rather than inflicted on friends, and this they preaced all through the city. They ought to grieve, they said, to see homes which they had built being taken over by the Christians, the fruits of trees planted by their fathers and their grandfathers being gathered by them, to see their brothers and relatives exiled from their own land, which had been held by their forefathers for so long. Their blood had been shed to win it, now blood was being shed to lose it." (Ibid, 293).

Pulgar continues by saying the Emir Al Zagal, to avoid *fitna*, offered to step down as Emir and fight under the command of Abu Abdullah, but Abu Abdullah refused. This resulted in Emir Al

Zagal leaving with the *mujahideen* towards Balsh-Maalaqa (Velez-Malaga) to liberate it. However, on the way there, he received news that Abu Abdullah had successfully taken control of Garnata which meant it was pointless struggling for Maalaqa without his rear base or any good chance of victory at Velez-Maalaqa. Thus he fled with the *Mujahideen* to the Alpujarras, (or in Arabic, *Al Busharaat*), a mountainous area east of Garnata to regroup. The Spanish arrived at Maalaqa for the key battle that was on of the last in series of battles that led to the destruction of Garnata.

The *mujahideen* under their commander at Maalaqa, Ahmad Al Thagri, were not in a mood to surrender or negotiations. In fact he contemptuously rejected the offer of a negotiated settlement, (Ibid, p.294), and so stiffed his garrison of troops with Berber reinforcements. To make sure that if the Mujahideen did not achieve victory and their City walls[38] were breached by the Spanish, they destroyed all the houses and buildings near the wall so that the Spanish could not take anything from them nor make it any easier for them, (Ibid, 295), while the Christian account of the siege stated that:

> "[The Muslims] seemed to have a greater desire to kill Christians than to preserve their own lives. The fighting went on for six hours, and the sound of trumpets, the shouting, the alarms, the clash of weapons, the noise of the matchlock guns[39] and of the crossbows on both sides were so loud that the hillsides reechoed…
> So great was the desire for vengeance that it predominated over the desire to gain, and nobody mande any attempt to take prisoners, only to kill and to main" (Ibid, 295-296).

The Christians did eventually breakthrough, but the regressed further into the defensive fortifications of the city and were not looking to give up. Only *Shahada* or victory was sufficient for them. Eventhough there are no Muslim account being available of the defenders in Maalaqa, Christian accounts spell out clearly that the mujahideen were not looking to give up:

> "Although they [the *mujahideen*] had no food supplies inside, and could hope for none from outside, although they saw their fellows fall dead and wounded in the fighting, it was worthy of not how bold this barbarous folk was in battles, how obedient to their commanders, how hard-working as they repaired the fortifications, how astute the ruses of war, how constant in the pursuit of their objectives" (Ibid, 297)

Emir Al Zagal heard of the siege of Maalaqa, and sent a relief coloumn of *Istishadeyeen* (Martyrdom seekers), who, in the words of a Christian account of the battle:

> "believing that if they did manage to get in to Malaga, that would be a mighty exploit, and if they did not that would save their souls [attain *Shahada*], so they resolved to die or enter the city" (Ibid, 298)

In the meanwhile, Abu Abdullah reported these troop movements to King Ferdinand, and he, (Abu Abdullah), subsequently intercepted these brave *mujahids* and routed them, leaving the remainder to retreat back to Emir Al Zagal. Hernando Pulgar states that King Ferdinand and Queen Isabella "…lavished their favors on Abu Abdullah in gratitude for this, (Ibid)." Other attempts were

[38] Cities during these periods were fortified usually by a high external stone city wall with built in citadels and other defensive devices in order to allow the city defenders to have the maximum ability to defend the city in the case of an invasion. In fact, within the city there were internal city walls as to allow a secondary position of retreat for the defenders in the case the attackers had penetrated the first wall.

[39] By 1394, the Garnatan army had already used handguns in the field against Christian troops and were the first to do so in the *Jazirat al Andalus* (Andalusi peninsula)

made to come to the aid of Maalaqa by Ibrahim Al Jarbi, (from Jerba in Tunisia), who was actually a resident of *Wadi Ash*, (Guadix). He formulated a plot to assinate Ferdinand and Isabella. He rallied some 400 people to his cause, according to Pulgar. They made an unsuccessful attempt to attack the Christians leading to the martyrdom of many whereas Ibrahim Al Jarbi decided to lead the assassination attempt on his own by standing outside of the city of Maalaqa, in an attempt to get arrested by the guards, to be subsequently taken into the Christian camp. There was the danger that the guards would kill him on the spot and not take him close to the King and Queen, but he stuck to the plan and had *Tawakkul*, (reliance), on Allah. The plan worked and the soldiers captured him and took him to Rodrigo Ponce De Leon, Marquis of Cadiz at the time, to be interrogated. He baited Rodrigo by saying that he had a revelation about the war, but told him that would only reveal it to the King and Queen. After hesitation, he was taken to see them and placed in a waiting tent with other Spanish nobles eager to see what this supposed holy man had to say. Unfortunately for Ibrahim, he spoke no Castillian and therefore assumed when he saw the ornately dressed Alvaro De Portugal and his wife Felipa, he assumed he reached his target. He attacked with ferocity but failed to kill either, and was subsequently caught and was "…cut into pieces. (Ibid, 299)." The barbaric Christians then catapulted this brave mujahids body parts over the city walls to intimidate the Muslims. The Muslims instead decided to stitch his body together and gave him an emotional funeral. In retaliation, Muslims killed a high ranking Christian Prisoner and mounted his body on a Donkey towards the Christian camp.

SubhaanAllah! Look at the *iman* and love for martyrdom and the hatred of humiliation and defeat! People that literally were commiting suicide, by western standards, to make the Word of Allah uppermost inspite of hunger, lack of reinforcements and the overwhelming strength of the enemy. The story of Abu Abdullah is one that has many allegories in the 21st century in the Muslim world, wherein if we looked at Iraq, we would have seen how the leaders were propped by the United States and its Coalition of The Willing to create the Majlis Al Sahwa, (or Awakening Councils), and subsequently, the *Abna'a Al Iraq*, (Sons of Iraq), while allowing them enough latitude to criticize America and cloaking themselves in Islamic ideology only to divide the mujahideen and to betray them and steal the fruits of their *Jihad*. And what is their return on this bargain? They get to rule Iraq in any subsequent government that would be formed if they were to defeat the real mujahideen. If we were to look at Afghanistan and the *Jihad* against Russia, we would see that the blood and sweat put into that *Jihad* was derailed by the machinations of the international community and, more importantly, Muslim countries such as Pakistan and Saudi Arabia who took it upon themselves to create a nationalist unity government with no mention of *Shariah* or its establishment, which was the very goal so many Mujahideen from all over the world gave the ultimate sacrifice for. People such as Abu Abdullah attempted to gain worldy power while risking their hereafter by allying with the *kuffaar*, betraying Muslims and killing Muslims. Allah (سبحانه و تعلى) says:

﴿الَّذِينَ ءَامَنُواْ يُقَـــتِلُونَ فِى سَبِيلِ اللَّهِ وَالَّذِينَ كَفَرُواْ يُقَـــتِلُونَ فِى سَبِيلِ الطَّـــغُوتِ﴾

Those who believe, fight in the cause of Allah, and those who disbelieve, fight in the cause of the Taghut. So fight against the friends of Shaytan; ever feeble indeed is the plot of Shaytan.[40]

[40] Surat al-Nisa' verse 76

In 1489, the Spanish headed towards the town of Basta, (Baza in Spanish), in order to mop up the remainer of Garnatan resistance under Emir al Zagal. The commander at Basta was Sidi Yahya Al Najjar and predictably, he didn't offer to surrender, just as the Maalaqan commander did. However, as the siege ground on, the Yahya wrote to the king and his commanders to begin negotiations to surrender and by the end of the month, they had reached an agreement. However the agreement made no mention of how the Muslims of the city would be treated but rather dealt with how the Muslim elite of the city would survive and "…the subterfuges that would permit Sidi Yahya…to transmogrify himself safely and profitably into Don Pedro de Granada Venegas, (Ibid, p. 302)." In other words, he had made arrangement to convert to Christianity, but you may wonder why such an abrupt turn of events? This agreement was a good way in which to look at how the Garnatan nobles and leaders were willing to become *murtad*, (or at least to pretend to do so), to safeguard their lands and wealth, even if that meant selling out the mujahideen under them and their citizens. As a result of the agreement:

1. Yahya became Ferdinands Vassal
2. He became a Christian, and would be baptized in the Kings own chamber, but this conversion was to be kept secret until Basta was surrendered
3. He was confirmed in possession of his lands, "towns. Fortresses, and villages" (i.e. he was to be lord of his own domain)
4. He was exempted from the duty of lodging royal troops (always thought of as a humiliating obligation).
5. He was exempted from certain taxes, including the *Pecho*
6. He was entitled to keep an armed escort
7. Various financial settlements were made to his advantage, and if Basta was surrendered, but not until then, he was to receive and extra gratuitity of ten thousand *reales*.[41]

(Ibid, p. 302-303)

After concluding his secret deal, Yahya headed off to Wadi Ash to persuade Emir Al Zagal to stand down and surrender. Yahya was successful and Emir Al Zagal gave up his resistance and handed over Wadi Ash and Almeria, (King Ferdinand offered him his very own domain in the Alpujarras or *Al Bushra*. The Emir had no intention of following Yahya's path, and thus sold the holdings offered to him and crossed over to the Maghrib with his fellow Mujahideen. However, an alternative reason is presented by an anonymous writer, who was present in Garnata during the last years of its existence, in *Akhir Ayyam Gharnatah Nubdhat al- Asr fi Akhbar Muluk Bani Nasr*, (The Last Days of Garnata: A synoposis of the era of news of the Kings of Bani Nasr/ (آخر أيام غرناطة نبذة العصر في اخبار ملوك بني نسر)):

> "All the knights and commanders of the Emir Muhammad b. Sa'd [Al-Zagal], accepted the *dhimma* [protection of the King of Castille] and began to help him agains the Muslims…
> Many people assert that Emir Muhammad b. Sa'd [Al-Zagal] and his commanders sold these villages and districts ruled by them to the ruler of Castille, and that they received a price for them. All of this was with a view to taking revenge [intiqam] on the son of his brother

[41] Unit of Spanish currency at the time. The first real was introduced by King Pedro I of Castile at a value of 3 Murabitun/Maravedies, (gold dinars minted by the Murabitun). This rate of exchange increased until 1497, when the real was fixed at a value of 34 maravedíes. The famous *Peso de a Ocho* ("piece of eight" is referred to the value of 8 Reales = 1 Silver Peso) also known as Spanish dollar, was issued that same year, and it later became widespread in America and Asia.

> Muhammad b. Ali [Boadil/Abu Abdullah] and on his commanders who had remained in Garnata, with just the city under their government and with benefit of a truce from the enemy. By his action [Al-Zagal], wanted to cut Garnata off, so as to destroy it in the way the rest of the country had been destroyed, (Ibid, p. 304-305)."

Why did he want to destroy Garnata? He simply wanted revenge upon his rival, Abu Abdullah, according to the writer. Shortly afterwards, Abu Abdullah sent out his *wazir* to enter into talks with the Spanish to surrender, and as by orchestration, his wazir arrives back in Garnata with two Spanish officers sent by King Ferdinand to negotiate on Spains behalf. These men were Gonzalo de Cordoba and Martin de Alarcon and both were known to Abu Abdullah very well and likewise they knew him well. The only people that were not familiar with the nature of these relationships were the people of Garnata and Abu Abdullah's *Shura*. Martin de Alarcon had been in charge of the "…arrangements for Boabdil's [Abu Abdullah's] detention when he was first held by the Castilians, at Porcuena in 1483. From that point on Boabdil had been a tool of Castilian policy, (Ibid, p. 307)." It has to be assumed that perhaps Ferdinand picked Alarcon for psychological reasons as perhaps, during Abu Abdullah's incarceration, there developed a detainee-jailor relationship, wherein Martin could assert his own will upon Abu Abdullah easier. Gonzalo de Cordoba was the man who, in 1486, had completed an operation inside Garnata to support Abu Abdullah against Emir Al Zagal and was known to Abu Abdullah.

However, in a strange twist of events, Abu Abdullah refused to negotiate reinitiated hostilities against the Spanish. One may assume that perhaps he had a sudden change of heart after his series of betrayal. However, it is perhaps more realistic, (and certainly we can only guess at his intentions), in light of the past and what was to happen at the end of hostilities, that he planned to keep up the ruse and make it look like he was the heroic Emir who would not bow down to the Spanish and would fight them till the end, (to dispel rumours that he was in league with the Spanish from the beginning or that there was a secret 'deal' between them). The idea was to reach a point wherein Garnatans who, were in no position to fight, had their supply lines cut and were short of trained men who were still able to, or were alive to fight, to want to call for peace themselves, with Abu Abdullah then regretfully having to call for a surrender and mercy for his beloved people. It was the Middle Ages equivalent of Madison Avenue spin-doctoring that the US Defense department would be proud of, since Abu Abdullah had agreed to surrender Garnata and the surrounding kingdoms from the day he was first captured by the Spanish! He was only making his people ask for negotiations over a matter that already, years before been decided in secret! In fact, that indeed did happen, when the powers in the *Maghrib* didn't come to their aid, supplies were short and morale was lowened due to continuing Spanish besiegement. In fact in *Akhir Al Ayyam Gharnata,* it was stated thus:

> "Many people alleged that the Emir of Garnata and his ministers and military chiefs had already made an agreement to hand over the city to the Christian King who was invading them, but they feared the common people, and so kept them duped, and simply told them what they wanted to hear. This was why, when they [the people] came saying what the king and his ministers had been keeping secret from them, they pardoned them on the spot. This was why military operations had been suspended at the time, to give scope for them to find a way of introducting the idea to the common people. So when they sent to the king of the Christians, they found he readily agreed, and was happy to grant all their requests and all their stipulations, (Ibid, p. 311)."

As for the composition of the Spanish armies during this long, arduous and vicous campaign against the Muslims, the allegation that the army was purely Spanish rings hollow. Evidence is

presented from the archives in the former royal archives of Aragon, in the Spanish book of essays, 'Gente del siglo XV,' that shows that Christians from all over the world showed up during the 1480's to the end of the campaign, eager for a fight against the Muslims. The numbers that are present in the finding, (Which are included in full in Appendix Y), are startling as there were at least 24 Swiss, 20 French, 17 English, 1 Scottish, 1 Portuguese, 1 Dutch and 23 German Soldiers listed. There are even reports of Italian knight showing up to fight, serving both on the ground and at sea in the service of the Spanish, (Edwards, 124). Do remember this is not even the real total of foreign fighters but simply a glimpse that proves the presence of foreign crusaders fighting the Muslims. In fact the Briton, Edward Woodville, (who is listed in the statistics), led his own band of men to Spain to fight the 'Saracens.' After all, the Pope had declared that the war being waged against the Muslims of Garnata was a Crusade as John Edwards says:

> "The fact that Ferdinand and Isabella's campaigns agains the emirate of Granada were designated as 'crusades' brought troops from outside the Spanish kingdoms to fight in the royal armies. Papal interest in the Spanish frontier against Islam and the *Reconquista* had already rekindled in the 1430's. Martin V and Eugenius IV made successive grants of crusading indulgences to those who fought, and gave the traditional two-ninth's share of the Spanish Church's tithes…to the respective rulers of Castile and Aragon, (Ibid, 122)."

Edwards continues by stating England's role in this Crusade at a royal level:

> "Henry IV [the King of England at the time] did mount campaigns against Granda between 1455 and 1458, as well as capturing Archidon [Arshidona] and Gibralter [Jabal Tariq] in 1462, (ibid, 123)."

Edwards speaks of a notorious English crusader, Edward Woodville, and his story. His army had:

> "…approximately 300 archers together with supporters, left…England at the end of Febuary 1460…The army which Edward Woodville assembled in the Isle of Wight included not only local men but also troops from Scotland, Ireland, Brittany and Burgundy, as well as other parts of England…Isabella [Queen of Spain]…designated him as leader of the foreign knights…Woodville's company…was said to have aquitted itself well in the fighting which ended in the capture of the town [of Loja/Lawsha] on 28-29 May 1486[42], (ibid, 127)."

As for Edward's men, some of them were captured and rightfully enslaved and sent to Fas/Fez to be traded and sold while others were killed by the *mujahideen*. As for the role of soldiers other than Edward Woodville:

> "…other troops from the British Isles, who are known to have participated in the 1486 and 1487 campaigns are William Marston, who is recorded as a groom of Henry VII's chamber, and Hubert Stanton, who was said to be from Ireland, (ibid)."

The role of the Pope and the Vatican is also described:

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[42] The battle at Lawsha in 1486 was a key battle and was battle where Abu Abdullah the traitor was recaptured by the Spanish and key Spanish military men proved their mettle. One of these men was Gonzalo Fernandez De Cordoba, who, during the battle had fought effectively with his group of 120 Lancemen. This was the same Gonzalo Fernandez De Cordoba that was sent by King Ferdinand to help Abu Abdullah the traitor to fight the brave Emir Al Zagal in Al Bayyazin and also the same person who King Ferdinand had sent in 1491 to negotiate on Spain's behalf for the surrender of Muslims forces in the city of Garnata.

> "Pope Sixtus IV issued the first crusading bull for war against Granada in November 1479, only two months after signing of the treaty of Alcacovas between Castile and Portugal…Sixtus IV's lengthy bull of 10 August 1482 was addressed to 'the universal Christian faithful…, fighters and warriors and other assistance (*pugnatores et bellatores aliaque auxilia*), both from Spain…and from other nations,' (Ibid, 123)."

The Activities of the Mercenaries varied by the countries they came from:

> "…it is certain that companies of Swiss, and some German, mercenaries continued to gain employment in the successive Granada campaigns. They were present in 1482, staying in Alhama until two years later, and are to be found in the documents once again in 1491, when some of the received letters of commendation from the king.

I will expound further on the role of foreign fighters and mercenaries in Christians armies and the inherent irony of their use during the Crusade in Garnata, the *jihad* in Bosnia, The Spanish Civil War and the so called 'War on Terror' today, in the conclusion.

The End of Islamic Garnata:

After a series of negotiations and assurances that the Christians would safeguard the agreement that was about to be signed, the Garnata Capitulations were signed in 1491, (otherwise known as The Treaty of Garnata), and in 1492 the Christian forces took over the city, and thus Islamic rule of Andalus ended after almost 780 years of continuous rule. Albeit this did not mean that 1492 marked the end of the Muslim presence in Andalus, as they remained for another hundred or more years or so. As for Abu Abdullah he ended up dying in obscurity fleeing from Andalus to Morocco.

Islam flourished in Andalus, but due to our disunity and worldy desires, we lost Andalus in a mere 780 years, wherein not even a trace of it exists in modern day Spain. The rulers then were not unlike the rulers now and likewise the people of those lands not unlike us. However, the history of Andalus that we're interested in in this project is not the above history. Nay, it is actually what happened after the Treaty of Garnata that is of interest to us, in that it applies to many a situation of Muslim today, be it the first, (or second), generation western Muslim who are living in *Dar Al Kufr*, by virtue of birth or immigration due to economic reasons, (and even political asylum seekers), and of those Muslims in 'Muslim' countries, and their thoughts in relation to their rulers and their view of the *Kuffaar*.

The Muslims of Andalus were assured by the Christian Kings that all treaty capitulations shall be upheld and Muslims could continue to practice as they wish, run their *Shariah* courts and in general have freedoms that, by today's standards, would seem magnanimous on the part of Christian conquerors. However, within ten years they broke the treaty by creating their own pretext and thus began forcefully converting Muslims, destroying Arabic books, (including the Quran), banning the Arabic language and finally killing or imprisoning people that violated any of their bans on Islam by way of the Inquisition and its Inquisitorial courts which bear an uncanny resemblance to the CIA created 'Extraordinary Rendition' program and its protocols, (wherein people would disappear all of a sudden, taken to an unknown location , without habeas corpus rights being granted to the families of the detainee, and were detained for extended periods of time while subjected to psychological and

physical torture for alleged acts of ‘terrorism’). Muslims had to increasingly use Aljamiado (Al Ajamiyya), to communicate instead of Arabic and lie to Christians about their faith while secretly maintain their *Salat,* fasting, *Zakat* and even *Hajj*during these trying times.

At this juncture, it would be fitting to discuss Al Ajamiyya or Aljamiado. In our context, Aljamiado refers to writings which utilizes the Arabic script for transcribing Romance languages such as Spanish. The most common reason for its increasing popularity in the 16th century is thought to be due to the restrictions placed upon the use of Arabic from the mid 16th centuries, Muslims had to adapt to these restrictions by using Castillian. However, this explanation by itself would be inaccurate. It cannot be stressed enough that Ajamiyya had been in use since the 14th and 15th, (perhaps even earlier), century due to the fact that Muslims that were living anywhere other than Garnata, (such as Arghun, Valencia and Castile), started forgetting their Arabic and acclimatizing gradually, but increasingly, to Spanish. Some of the works that have been unearthed in Spain and elsewhere in *Ajamiyya* are for the most part meant for the common people and serve an educational role to educate the Muslims of Spain about Islam, usually in a summarized format, (therefore making these books easy to hide from the prying eyes of the Inquisitors). Some of the non Islamic works in *Ajamiyya* that have been found are as follows:

> “Prose narratives (divisible into romances, short stories, and legends): *Rekontamiento del rey Alisandere* (Story of King Alexander), *Historia de los amores de París y Viana*, *Libro de las batallas, Leyenda de ‘Ali ibnu abi Talib y las cuarenta doncellas* (Legend of ‘Ali ibnu abi Talib and the Forty Damsels), *El baño de Zarieb,* and *Leyenda de Yuçuf* (Legend of Joseph).
>
> Eschatological texts: *Estoria del día del juicio* (Story of the Day of Judgment) and *Ascención de Mahoma a los cielos* (Ascension of Muhammad to the Heavens). Biblical legends: *La leyenda de Ibrahim* (The Legend of Abraham), *Historia del sacrificio de Ismael* (Story of the Sacrifice of Ishmael), *Las demandas de Muça* (The Questions of Moses), *Leyenda de Muça con la paloma y el halcón* (Legend of Moses with the Dove and the Falcon), *Muerte de Muça* (Death of Moses), *Historia de Ayub* (Story of Job), *Recontamiento de Çulayman* (Story of Solomon), *Nacimiento de Iça* (Birth of Jesus), *Jesús resucita a Sem hijo de Noe* (Jesus Resuscitates Shem, Son of Noah), and *Historia del rey Jesús* (Story of King Jesus).
>
> Travel literature: *Itinerario de España y Turquía* (Itinerary of Spain and Turkey) and *Avisos para el caminante* (Warnings for the Walker). Didactic prose: *Los castigos de ‘Ali* (The Moral Teachings of ‘Ali), *Los castigos de Alhaquim a su hijo* (The Moral Teachings of al-Hakim for His Son), *Los castigos del hijo de Edam* (The Moral Teachings of the Son of Edam), *Libro y translado de buenas doctrinas y castigos y buenas costumbres* (Book of Good Doctrine, Moral Teachings, and Good Habits), and *Libro de predicas y examplos y doctrinas para medecinar el alma y amar la otra vida y aborrecer este mundo* (Book of Preachings, Exempla, and Doctrine to Heal the Soul, Love the Life to Come, and Abhor This World).
>
> Treatises on popular beliefs and superstitions: *Libro de dichos maravillosos* (Book of Marvelous Sayings), *Libro de las suertes* (The Book of Fortunes), and *Libro de los sueños* (Book of Dreams). Anti-Christian and anti-Jewish polemics: *Disputa contra los judíos y disputa contra los cristianos* (Dispute against the Jews and Dispute against the Christians) and *Preguntas de unos judíos a Muhammad* (Questions of Some Jews to Muhammad)…

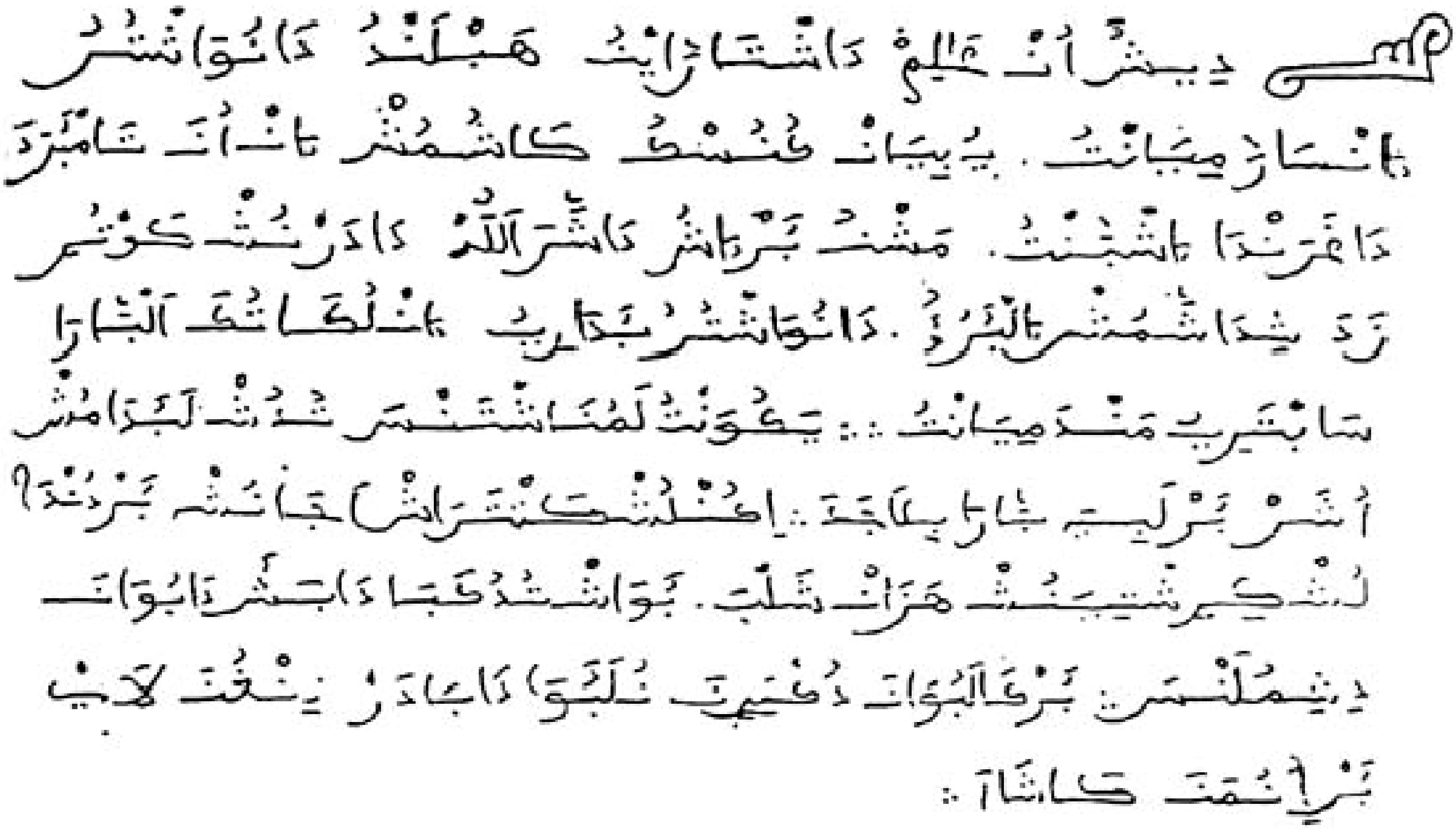
> Poetic works: *Poema de Yuçuf, Almadha de alabança al annabi Muhammad* (Poem of Praise for the Prophet Muhammad), *Historia genealógica de Mahoma* (Genealogical History of Muhammad), and *Coplas en alabança del-adín del-aliçlam* (Verses in Praise of the Religion of Islam), (Barletta, 8)."

One of the more famous Muslim scholars of the *Mudajjan* and 'Morisco' period is Isa Al Shaadhili. He was a *faqih* and the *qadi* of the Jama'a of Al Shaqoubiyah, (Segovia), in Castile, during the middle of the 15th century CE. He was one of the *Ahl Al Dajn*, as were the rest of the community that was with him in Castile. He was Maliki by way of his *fiqh* as was virtually everyone in the *Maghrib* and Andalus, (until the Uthmani forces took control during the 16th century CE, wherein the population of *Ahnaaf*/Hanafis began to increase). As is evident from his name he was a Sufi of the Shadhiliyya order which is the most prevelant in the Maghrib today and was then too, along with the Tijaniyya order. It would seem Sufism had an easier time surviving in Christian Spain due to the flexibility in *Aqeedah* of Sufis and their practice of Islam. In 1462 CE, he wrote is most famous book, *Breviario Sunni*, ('Introduction to the Sunnah'), which was manual designed to aid Muslims in their daily practice of Islam. He also had the infamy of having cooperated with the Christian authorities of Segovia to translate the Quran from Arabic to Castilian.

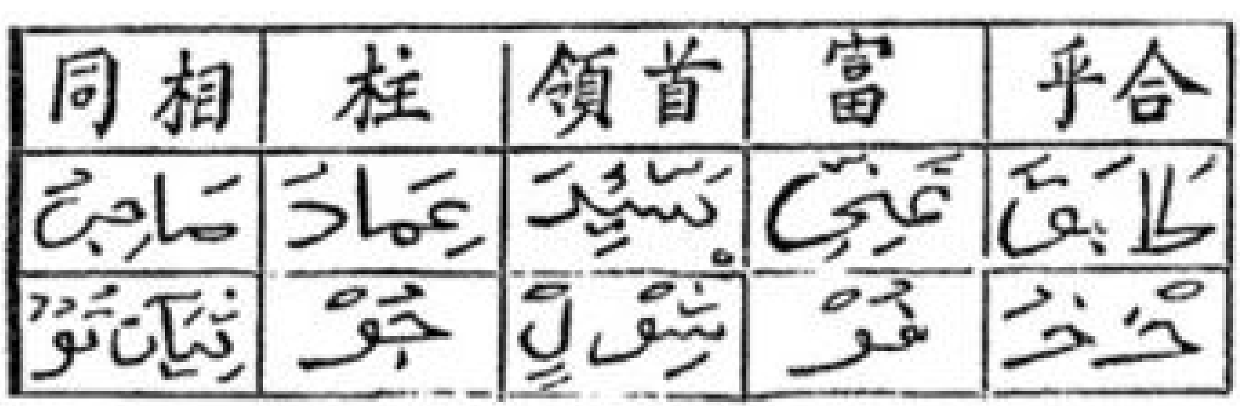
As for the religious works that were translated into Spanish were:

1. Tafsir of Ibn Ali Zaminin
2. Tafsir Ghareeb Al Quran of Al Sijistani
3. Ibn Salama's work on Ayaat that are *mansukh*, (abrogated)
4. Some works on different modes of Qiraat, even some that argue the difference between *Warsh* and *Qaloon*
5. *Kitaab Fihi Tafseer Mukhtalif Al Hadith* by Ibn Qutayba
6. The Forty Hadith of Imam Ghazali
7. *Kitaab Shihab Akbar* by Al Quda'i
8. *Kitab Anwar Al Saniyya* by Ibn Juzayy
9. *B'ad Al Khalq Wa Qisaas Al Anbiya* by Al Farisi
10. *Kitab Al Anwar* by Abu Al Hassan Al Bakri
11. *Rai' Al Durar* by Al Qazwini
12. *Al Risaala* by Ibn Zayd Al Qayrawani
13. *Kitab Al Istadhkaar* by Abd Al Barr Al Namari
14. *Kitab Al Iqtisaad fee Al Itiqaad* by Imam Ghazali

And many more. Below is an example of *Ajamiyya* text, (the following is an Spanish translation of the Quran written in Arabic script):



In other contexts, the word *aljamiado* is sometimes used for other non-Semitic language written in Arabic letters. For example, some Serbo-Croatian, Bosnian and Albanian texts written in Arabic script during the Ottoman period have been referred to as aljamiado. A very interesting example of the principle writing another language in Arabic script is *Xiao'erjing*, which is the method by which Hui Chinese Muslims use to write Mandarin Chinese in Arabic script. Formerly the Dungan descendants of these Chinese Muslims in Central Asia also used this method of writing until Soviet Union banned it by enacting writing reforms which forced the Dungan people to replace Xiao'erjing with a Roman script and later a Cyrillic one, which they continue to use up until today. However, in our discussion, we are only referring to Spanish written in Arabic script.



Returning to the Muslims of Andalus, it must be clear, and it will be discussed, that Christians in their treachery had deliberately designed a method by which the Muslims in Andalus would not be able to escape to the *Maghrib* and would thus, by their calculations, have to accept Christianity and enlarge the number of Christian followers in the land. One hundred and fifty years later from the Treaty of Garnata, after two major insurgencies, the resilience of Muslims holding on to their faith and their refusal to become *Murtad*, (apostate), (even when their nobles were the first in line to apostasize and safeguard their wealth), the Spanish decided to expel all the Muslims, (by now they were called Moriscos), and admit their defeat at the hands of a few hundred thousand oppressed souls.

A mention should be made of an issue that deserves our attention, and that is the question that is on the mind of most Muslims when they touch this topic, that if they converted, then how can they be Muslim (speaking of the period of 1502 where *Mudajjan* status had ended all over spain and everyone was forced to convert and called Morsico's)? It is a question which scholars have tussled over and were tussling with at the time over how to rule on this question. In hindsight and availability of documents, it was seen that what was imposed on the Muslims of Andalus, (that either wanted to leave and weren't able to due to poverty and not able to afford the transport off the peninsula or were captured before reaching the ports, and <u>not</u> those who deliberately <u>desired</u> to stay in Andalus, <u>unless</u> they were attempting to regroup and lead an insurgency to liberate Andalus from the *Kuffaar*), by its very definition was *Ikrah* in its textbook definition, (i.e. compulsion and coercion). Therefore if we look at what the scholars have said in regard to a situation like this, we can see that there were grounds for them to pretend to convert, while still being Muslim, (*Taqiyyah* or dissimulation). Imam Nawawi in his Arba'ain in Hadith number 39:

عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:
﴿ إنَّ اللَّهَ تَجَاوَزَ لِي عَنْ أُمَّتِي الْخَطَأَ وَالنِّسْيَانَ وَمَا اسْتُكْرِهُوا عَلَيْهِ﴾.

(حَدِيثٌ حَسَنٌ، رَوَاهُ ابْنُ مَاجَه، وَالْبَيْهَقِيُّ "السُّنَن)

Ibn Abbas, *radiyAllahu 'anhu*, reported that the Messenger of Allah, (صلَّى الله عليه وسلَّم), said:

"Truly Allah has for my sake pardoned the mistakes and forgetfulness of my community, and for what they have done under force or duress."[43]

The Ulema cite in support of this Hadith, (Along with Surah Al Ahzab, *Ayah* 5 and Surah Baqarah, *Ayah* 286), cite this *ayah*:

﴿مَن كَفَرَ بِاللَّهِ مِن بَعْدِ إِيمَـــنِهِ إِلاَّ مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالإِيمَـــنِ وَلَـــكِن مَّن
شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِّنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ﴾[44]

[43] A *Saheeh hadith* related by Ibn Majah, Al-Baihaqi and others

Whoever disbelieves in Allah after his belief - except one who was forced while his heart is at peace with the faith - but whoever opens their breasts to disbelief, on them is wrath from Allah, and theirs will be a terrible torment

Ibn Kathir States in the Ayah regarding *"except one who was forced while his heart is at peace with the faith:"*

"This is an exception in the case of one who utters statements of disbelief and verbally agrees with the Mushrikin because he is forced to do so by the beatings and abuse to which he is subjected, but his heart refuses to accept what he is saying, and he is, in reality, at peace with his faith in Allah and His Messenger . The scholars agreed that if a person is forced into disbelief, it is permissible for him to either go along with them in the interests of self-preservation, or to refuse, as Bilal did when they were inflicting all sorts of torture on him, even placing a huge rock on his chest in the intense heat and telling him to admit others as partners with Allah. He refused, saying, "Alone, Alone." And he said, "By Allah, if I knew any word more annoying to you than this, I would say it." May Allah be pleased with him. Similarly, when the Liar Musaylimah asked Habib bin Zayd Al-Ansari, "Do you bear witness that Muhammad is the Messenger of Allah" He said, "Yes." Then Musaylimah asked, "Do you bear witness that I am the messenger of Allah" Habib said, "I do not hear you." Musaylimah kept cutting him, piece by piece, but he remained steadfast insisting on his words. It is better and preferable for the Muslim to remain steadfast in his religion, even if that leads to him being killed, as was mentioned by Al-Hafiz Ibn `Asakir in his biography of `Abdullah bin Hudhafah Al-Sahmi, one of the Companions. He said that he was taken prisoner by the Romans, who brought him to their king. The king said, "Become a Christian, and I will give you a share of my kingdom and my daughter in marriage." `Abdullah said: "If you were to give me all that you possess and all that Arabs possess to make me give up the religion of Muhammad even for an instant, I would not do it." The king said, "Then I will kill you." `Abdullah said, "It is up to you." The king gave orders that he should be crucified, and commanded his archers to shoot near his hands and feet while ordering him to become a Christian, but he still refused. Then the king gave orders that he should be brought down, and that a big vessel made of copper be brought and heated up. Then, while `Abdullah was watching, one of the Muslim prisoners was brought out and thrown into it, until all that was left of him was scorched bones. The king ordered him to become a Christian, but he still refused. Then he ordered that `Abdullah be thrown into the vessel, and he was brought back to the pulley to be thrown in. `Abdullah wept, and the king hoped that he would respond to him, so he called him, but `Abdullah said, "I only weep because I have only one soul with which to be thrown into this vessel at this moment for the sake of Allah; I wish that I had as many souls as there are hairs on my body with which I could undergo this torture for the sake of Allah." According to some reports, the king imprisoned him and deprived him of food and drink for several days, then he sent him wine and pork, and he did not come near them. Then the king called him and asked him, "What stopped you from eating" `Abdullah said, "It is permissible for me (under these circumstances), but I did not want to give you the opportunity to gloat…"

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[44] Surah Nahl, Ayah 106

So as Imam Ibn Kathir says, “It is better and preferable for the Muslim to remain steadfast in his religion, even if that leads to him being killed…” indicating a preference to be steadfast and be put to death, (as in the case of Habib bin Zayd Al Ansari), then apostasizing. However, as we see in the case of Abdullah Hudhaifa Al Shami, he says, “It is permissible for me (under these circumstances), but I did not want to give you the opportunity to gloat." So it can ascertained doing things such as eating pork and drinking wine and eating pork are permissible under compulsion but not the preferable mode of action as the first recourse.

Another view or category is the distinction between speech and actions. In terms of speech, a person might be forced and allowed to say something that is not allowable. The scholars say he should not practice *taqiyah*. *Taqiyah* means to say or do something which you do not believe in and are not satisfied with. This only applies to sayings and not actions. Regarding this issue there is an agreement among the Muslim scholars. They say that whoever is forced to say something that is not allowed in *shari'ah*, then he will be allowed to say it - he will not be regarded or considered as 'saying' it. There is another condition that the scholars set. They say that whenever a person is put into *ikrah* or duress, the duress should be definite and most likely to happen and not just something the person imagines or assumes. He has to be sure. Through proofs such as these Scholars who understoof the situation of the Andalusi’s issued fatawa stating that, (if the Muslims are truly under *ikrah* as mentioned above), then they can state that they are christian but in their heart not believe, play with words to make statements that are favorable to Christians but neither are outright shirk and kufr. These ahadith and Ayat are, if you will, part of the camp of people that did not, or could not resist the Christians or were unable to leave the land due to genuine *Ikrah*.

However, on the other hand in Surah Al Nisaa,’ (Ayah 97), Imam Ibn Kathir clarifies the conditions of remaining in *mushrik* lands without putting oneself into a sinful position:

﴿إِنَّ الَّذِينَ تَوَفَّاهُمُ الْمَلآئِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُواْ فِيمَ كُنتُمْ قَالُواْ كُنَّا مُسْتَضْعَفِينَ
فِي الأَرْضِ قَالْوَاْ أَلَمْ تَكُنْ أَرْضُ اللّهِ وَاسِعَةً فَتُهَاجِرُواْ فِيهَا فَأُوْلَـئِكَ مَأْوَاهُمْ
جَهَنَّمُ وَسَاءتْ مَصِيرًا﴾[45]

Imam Ibn Kathir clarifies this Ayah by stating:

> *Al-Bukhari recorded that Muhammad bin `Abdur-Rahman, Abu Al-Aswad, said, "The people of Al-Madinah were forced to prepare an army (to fight against the people of Ash-Sham during the Khilafah of Abdullah bin Az-Zubayir at Makkah), and I was enlisted in it. Then I met `Ikrimah, the freed slave of Ibn `Abbas, and informed him (about it), and he forbade me strongly from doing so (i.e., to enlist in that army), and then he said to me, `Ibn `Abbas told me that some Muslims used to go out with the idolators increasing the size of their army against the Messenger of Allah . Then, an arrow would hit one of them and kill him, or he would be struck on his neck (with a sword) and killed, and Allah sent down the Ayah,*

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[45] Surah 4 Ayah 97

﴿إِنَّ الَّذِينَ تَوَفَّـــهُمُ الْمَلَـــئِكَةُ ظَـــلِمِى أَنفُسِهِمْ﴾

'Verily, as for those whom the angels take (in death) while they are wronging themselves'

Ad-Dahhak stated that this Ayah was revealed about ***some hypocrites who did not join the Messenger of Allah but remained in Makkah and went out with the idolators for the battle of Badr. They were killed among those who were killed. Thus, this honorable Ayah was revealed about those who reside among the idolators, while able to perform Hijrah and unable to practice the faith. Such people will be committing injustice against themselves and falling into a prohibition according to the consensus*** [emphasis is mine] *and also according to this Ayah,*

﴿إِنَّ الَّذِينَ تَوَفَّـــهُمُ الْمَلَـــئِكَةُ ظَـــلِمِى أَنفُسِهِمْ﴾

"Verily, as for those whom the angels take (in death) while they are wronging themselves," by refraining from Hijrah,

﴿قَالُواْ فِيمَ كُنتُمْ﴾

They (angels) say (to them): 'In what (condition) were you' meaning, why did you remain here and not perform Hijrah

﴿قَالُواْ كُنَّا مُسْتَضْعَفِينَ فِى الاٌّرْضِ﴾

They reply: 'We were weak and oppressed on the earth.' meaning, we are unable to leave the land or move about in the earth,

﴿قَالْواْ أَلَمْ تَكُنْ أَرْضُ اللَّهِ وَسِعَةً﴾

They (angels) say: 'Was not the earth of Allah spacious enough for you'

Abu Dawud recorded that Samurah bin Jundub said that the Messenger of Allah said: :

﴿مَنْ جَامَعَ الْمُشْرِكَ وَسَكَنَ مَعَهُ فَإِنَّهُ مِثْلُه﴾

"Whoever mingles with the mushrik and resides with him, he is just like him."

In essence Ibn Kathir explains the Ayah by saying that those who have the ability to make *hijrah*, (i.e. they were able to leave the land or able to traverse the earth without prohibition), and do

not do it, and have an inability to practice their Islam, will be falling into a prohibition according to the concensus of scholars. The issue directly applies to the Muslims in Andalus after 1492, as many Muslims, (who had the ability to make *hijrah*), chose to stay behind in the misguided notion that if they stayed they could reclaim Andalus from the Christians with the help of the *Fatimi*/*Mahdi*, (when clearly they neither had the force inside Andalus or in the Maghrib to help them achieve that. Furthermore, Uthmani help never came until much later in a very meager form. The best solution would have been to regroup in the Maghrib in order to regain Andalus), or simply that, they had an attachment to the land and didn't want to leave, even if it meant hardship, slavery or even feigned or real apostasy to Christianity. It is clear according o the scholars how grave the issue of living among the Mushrikeen is, as, Imam Ibn Katheer cites a *hadith* from Abi Dawood that whosoever lives and mingles with the *mushrikeen*, is like him (i.e. a *mushrik*). Moreover a hadith is narrated where "some *munafiqeen* who did not join the Messenger of Allah but remained in Makkah and went out with the *mushrikeen* for the battle of Badr. They were killed among those who were killed." Imam Ibn Kathir explains that the Ayah applies to those who were able to make *hijrah*, unable to practice their Islam and resided amongst the *mushrikeen*. However the hadith adds that those Muslims, who fought under the *mushrikeen* at Badr against the Prophet (صلَّى الله عليه وسلَّم), and were killed, died in a state where they would be wronging themselves. It is a stark reminder especially to those living in countries ruled by *kafirs* such as in those of the Americas and Europe. Their armies have come to do nothing short of occupation and the manipulation, if not annihilation, of the *Deen* of Islam and Muslims. Many Muslims fight in these armies and put themselves at great peril. As for those who still are obstinate and choose to remain in *kafir* lands when they have the wherewithal to leave, they are at risk of being drafted into the armies of *kafir* host countries and put their *aakhirah* [hereafter] in peril.

Imam Ibn Kathir proceeds to provide the exeptions to this Ayah by clarifying the proceeding Ayah:

﴿إِلاَّ الْمُسْتَضْعَفِينَ﴾

'Except the weak' until the end of the Ayah, is an excuse that Allah gives for this type of people not to emigrate, because they are unable to free themselves from the idolators. And even if they did, they would not know which way to go. This is why Allah said,

﴿لاَ يَسْتَطِيعُونَ حِيلَةً وَلاَ يَهْتَدُونَ سَبِيلاً﴾

"Who cannot devise a plan, nor are they able to direct their way," meaning, they do not find the way to emigrate, as Mujahid, `Ikrimah and As-Suddi stated.
Allah's statement,

﴿فَأُوْلَـئِكَ عَسَى اللَّهُ أَن يَعْفُوَ عَنْهُمْ﴾

"These are they whom Allah is likely to forgive them" means, pardon them for not migrating, and here, `likely' means He shall…

Allah's statement,

﴿وَمَن يُهَاجِرْ فِى سَبِيلِ اللَّهِ يَجِدْ فِى الاٌّرْضِ مُرَاغَماً كَثِيراً وَسَعَةً﴾

"He who emigrates in the cause of Allah, will find on earth many dwelling places and plenty to live by." this encourages the believers to perform Hijrah and abandon the idolators, for wherever the believer emigrates, he will find a safe refuge to resort to. Mujahid said that,

﴿مُرَاغَماً كَثِيراً﴾

"many dwelling places" means, he will find a way out of what he dislikes. Allah's statement,

﴿وَسِعَةً﴾

"and plenty to live by" refers to provision. Qatadah also said that,

﴿يَجِدْ فِى الاٌّرْضِ مُرَاغَماً كَثِيراً وَسَعَةً﴾

"...will find on earth many dwelling places and plenty to live by" means, Allah will take him from misguidance to guidance and from poverty to richness.

Allah's statement,

﴿وَمَن يَخْرُجْ مِن بَيْتِهِ مُهَـجِراً إِلَى اللَّهِ وَرَسُولِهِ ثُمَّ يُدْرِكْهُ الْمَوْتُ فَقَدْ وَقَعَ أَجْرُهُ عَلَى اللَّهِ﴾

"And whosoever leaves his home as an emigrant unto Allah and His Messenger, and death overtakes him, his reward is then surely, incumbent upon Allah." means, whoever starts emigrating and dies on the way, he will acquire the reward of those who emigrate for Allah. The Two Sahihs, along with the Musnad and Sunan compilers, recorded that `Umar bin Al-Khattab said that the Messenger of Allah said:

﴿إِنَّمَا الْأَعْمَالُ بِالنِّـيَّاتِ، وَإِنَّمَا لِكُلِّ امْرِىءٍ مَا نَوَى، فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللهِ وَرَسُولِهِ، فَهِجْرَتُهُ إِلَى اللهِ وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ إِلى دُنْيَا يُصِيبُهَا، أَوِ امْرَأَةٍ يَتَزَوَّجُهَا، فَهِجْرَتُهُ إِلى مَا هَاجَرَ إِلَيْه﴾[46]

[46] Sahih Bukhari, Hadith #: 1

The reward of deeds depends upon the intentions, and every person will be rewarded according to what he has intended. So, whoever emigrated to Allah and His Messenger, then his emigration is for Allah and His Messenger. And whoever emigrated for worldly benefits or for a woman to marry, his emigration is for what he emigrated for.
This Hadith is general, it applies to Hijrah as well as every other deed…

In this the exception is clear, in that, the only ones excused are those that are:

1. Those unable to free themselves from the idolators
2. And those, even if they were to free themselves, would not know which way to go, or find the way to emigrate.

In addition, many Muslims after the Treaty of Garnata, exclaimed that the reason they didn't want to go to the Maghrib was because life was rough there and there was no living to be made in Andalus, (as an Andalusi Muslim had asked Imam Wanshirisi during the 1500's). However Allah (سبحانه و تعلى) states clearly the *muhajir* that emigrates *fee sabillilah* [in the cause of Allah], "…will find on earth many dwelling places and plenty to live by." So Allah (سبحانه و تعلى), is not saying there is a possibility of sustenance or shelter, rather, He is saying that there will be shelter and sustenance for those who immigrated in His path.

Hand in hand with the previous verses, the people mentioned here are those who were put to trial and were under oppression, and could not leave the land, but when they opportunity arose, the emigrated in His path and waged *jihad* as Allah (سبحانه و تعلى), states in Verse 110 of Surah Al Nahl:

﴿ثُمَّ إِنَّ رَبَّكَ لِلَّذِينَ هَـٰجَرُوا۟ مِن بَعْدِ مَا فُتِنُوا۟ ثُمَّ جَـٰهَدُوا۟ وَصَبَرُوٓا۟ إِنَّ رَبَّكَ مِن بَعْدِهَا لَغَفُورٌ رَّحِيمٌ﴾

Then, verily, your Lord for those who emigrated after they were put to trials and then performed Jihad, and were patient, - after this, your Lord is indeed Forgiving, Most Merciful.

About this Ayah, Ibn Kathir States:

"This refers to another group of people who were oppressed in Makkah and whose position with their own people was weak, so they went along with them when they were tried by them. Then they managed to escape by emigrating, leaving their homeland, families and wealth behind, seeking the pleasure and forgiveness of Allah. They joined the believers and fought with them against the disbelievers, bearing hardship with patience. Allah tells them that after this, meaning after their giving in when put to the test, He will forgive them and show mercy to them when they are resurrected."

This Ayah fits in perfectly of those Muslim who after hiding their faith for a number of years and safeguarding it, managed to escape Andalus and subsequently managed to join up with the Ghazis of Uthamani navy such as Khair Al Deen, (in west he is called Barbarossa, or Red Beard), to raid Christian vessels to terrorize the enemies of Allah and wage *jihad* in His Path. This dichotomy is a perfect way to understand the Muslims of Andalus after 1492, but in its own way, it's a way to

understand Muslims in the west today, and even those living under tyrannical Muslim regimes in the 'east.'

Chapter 2:
Muslims in Spain from 1492-1568

With the Treaty of Garnata in place, Muslims were given a multitude of promises that their *Deen* shall not be interefered with and that all freedom of religion should be preserved, (not unlike the the modern western liberal democracies such as America, Britain, Canada). In fact the day after the agreement was signed, “...Ferdinand and Isabella made a solemn declaration in which they swore to Allah that all Moors should have full liberty to work on their lands...and to maintain their religious observances and mosques heretofore, while those who preferred could sell their property and go to Barbary, (Lea, 2001, 21).” Thus in the beginning, western historians argue that the capitulations were made in good faith by the Spanish sovereigns and that they intended to carry them in good faith as well. It must be remembered that under the Capitulations, Garnata and only Garnata, was given a certain degree of autonomy, (albeit technically and in fact being part of the Spanish crown as its territory), to govern their religious and social affairs. In regards to the Muslims of Spain, (inclusive of Garnata), located mostly in Valencia, Castille and Garnata, they were now all *Ahl Al-Dajn* or *Mudajaneen*. In the hectic times that followed, the people that were afraid for their *Deen* and of the permissibility of remaining under the rule of the *Kuffaar*, fled mostly to the Maghreb States, (modern-day Algeria, Morocco, Tunisia, Libya), Mali, Egypt and *Sham*[47]. The Spanish had arranged transport and logistics to allow for the exit of these Muslims, and they left unhindered by Spanish forces either on the path to the port or after departure.

As for those that stayed behind, the capitulations were respected and implemented. Ferdinand and Isabella appointed Inigo Lopez De Mendoza as their Captain General, (e.g. governor), of Garnata and he certainly intended to follow the letter of the law in regard to his Spanish-Muslim subjects. Abu Abdullah, the ousted Emir of Garnata, was suspicious of the Christians, (Ibid, 23), and rightfully so, as he had originially requested papal approval of the Treaty of Garnata, (as is evidenced in Appendix I, as Maqari mentions in his account of the Garnatan capitulations, that Papal approval was demanded by the Muslims), but after realizing the futility of the endeavour, he dropped this point during Treaty negotiatons. As per the capitulations, Muslims were left relatively unhindered in their religious affairs and traffic back and forth between the Maghrib and Andalus was not restricted. Furthermore, *Al Bayyazin*’s[48] wall was monitored to avoid Christians climbing upon it to peer down at Muslim houses. However, taxes were made more burdensome on Muslims by, “...farming the revenues to Moorish almojarifes or tax speculators whose familiarity with the wealth of their compatriots... (Ibid, 24).” Furthermore, (inspite of the fact that Spanish Crown did not charge a toll to exit Spain or hindered the path of emigrants), private ship owners began speculating, (increasing), on the prices of the trip and freight to the Maghrib, (Ibid). This burdened many of the people that wanted to leave, and in fact stopped many people from leaving since they did not have the funds to leave. The Spanish, had begun to renege on some of their non-religious promises of the Garnata Capitulations but had for the time kept their end of the bargain, (with a few exceptions), on religious matters, (Ibid). It was only when, in 1499, Cardinal Ximenes was appointed to assist Talavera in Garnata that matters began to devolve. However, let me state clearly that even if Ximenes was not

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[47] Historically it usually refers to the region bordering the eastern Mediterranean, which includes modern-day Syria, Lebanon, Israel, Palestine, Jordan

[48] This is known in Spanish as Albaycin and was one of the three quarters in the city of Garnata, (Al Bayyazin, Al Hamra’ and the Christian quarter). In Arabic, the full name of the quarter was Ribad Al Bayyazin, which means ‘Quarter of the Falconer,’ but there is dispute over this meaning.

present in Garnata, the forced conversions, the inquisition courts, massacres and the expulsions of the Muslims would have happend <u>anyway</u> (due to many reasons, not the least of which was the nature of the *reconquista*, in that it was a religious crusade against the 'infidel' and 'heretic' Muslim occupier). Ximenez's appointment only accelerated affairs.

In any case, as a sign of the charitable stance of the Spanish sovereigns, they appointed Hernando De Talavera to be the Archbishop of Garnata in 1493. Talavera was known to be a man that was gentle and a man of "...Charity and loving kindness, (Lea, 2001, 26)." In addition he instructed "...his missionaries to learn Arabic but he himself in his old age acquired it sufficiently for his purposes and composed an elementary grammar and vocabulary, (Ibid)." Talavera certainly wasn't an opponent of the *reconquista* and of destroying the Muslim faith, but he certainly didn't adopt the inhumane measures adopted later by his assistant Ximenes. Therefore Talavera was successful in making quite a few Muslims either feign apostasy, (out of fear, and rightfully so, of punishment and torture, since the Spanish inquisition had, at this time, already been operating since 1476), or truly apostasize and become Christians. An example of this would be the Muslims of Caspe, (a town in the province of Aragon or Arghun), announcing the desire to be baptized and become Christians in 1499 or that in in the district of Teruel and Albarracin [Al Birazeen] a *masjid* was converted into a church by the residents in 1493.

In terms of global events, the Uthmani's were preoccupied had, since 1453 CE gone from strength to strength, with the conquest of Constantinople and the defeat of the Byzantines, to the gradual acquisition of Eastern European territory between 1456 to 1461, (including Bosnia, Serbia and Albania), while defeating the Shia' Safawiyya (Safawids), in 1473. During this period the Uthmani's had also attempted to invade Italy in 1480, (which ended in failure). Truly the Uthmani's were a superpower of their time and European powers trembled at their power whether on land or sea. A special emphasis should be placed of Uthmani sea power as it was the equivalent of American Air power today, and in military terms is a decisive factor in contemporary warfare and strategic planning. Without doubt, the Uthmanis possessed one of the strongest navys in the world, at the time, with active patrols across the Mediterranean, Indian Ocean and even the Pacific. That is to say nothing of the Uthmani naval *ghazis*, (such as Khair Al Deen), who used to venture even further out to sea upto even the shores of Iceland and America to raid *kafir* ships and obtain *ghaneema*. As it applies to Andalus, the naval power of the Uthmanis was applied when they sent Kamal Reis, an Uthmani naval commander, was sent to Bijaya, (in the Mediterranean ocean), presumably after the fall of Garnata to maintain contact with the Muslims of Andalus to collect intelligence and assess their situation by which to judge what course of action should be taken, (Harvey, 2005. 335). Kemal Reis was recalled in 1495 back to port in Turkey for unknown reasons, (perhaps he completed his mission?). In light of increasingly successful of Portugese attacks on Muslim cities on the eastern coast of Africa, and the taking of the island of Hormuz, (on their way to strengthen the Portugese forces already present in Gujurat), the Mamlukes decided to respond to this Christian aggression. In 1507, on the way to defend the Sultan of Gujurat against the Portuguese, the Mamluke navy fortified the port city of Jeddah against any possible Portugese aggression. The very real fear was that the Portugese would sail up the Red Sea and, in the words of Joao de Barros, a 16th century Portuguese historian:

> "...and take the city of Jeddah, a port very near by, by which we could go to Mecca and thence to Medina to steal the body of their Prophet and hold it in our possession in the same way as they hold Jeruslam, which is the home of our faith...(Peters, 189)"

This certainly was the aim of one of the commanders of the Portugese naval reinforment group on its way to Gujurat, Alfonso De Albuquerque. He would go onto replace Francisco de Almeida as the Portugese governor of the Portugese territories of India. On arrival in the area, the Mamluke navies, under the command of Hussein Al Kurdi, engaged the Portugese forces in 1508 in the Battle of Chaul and defeated the Portugese in the engagement while killing their commander, Lourenco de Almeida, (son of Francisco de Almeida).

Global Events and Legal Developments in Christendom:

The Christians also achieved theyre own crowning glory when Christopher Columbus, the first European to 'discover' America, set out from Spain to find an alternate route to India at the behest of Queen Isabella of Spain, (although Columbus himself was Portugese), reached the shores of Cuba and began what would be a series of events that would catapult Spain from being a regional power to a superpower, (which would eventually rival the Uthmani's for a period). The question of wether Columbus was the first to find America is not contentious but rather it is a moot point as, in the words of Abdul Hakim Quick, "How can you discover a place, if the people are living there already? (Quick, Deeper Roots Lecture)." Certainly one can cite the plethora of information from Muslim sources of having trafficked between the Maghrib and West Africa and the Americas going back to the 10th Century CE and the stories of Mansa Musa, but that is to come later on in this book. Vasco De Gama followed in the footsteps of other other Portugese explorers and, in 1497, successfully went around the Cape of Good Hope, (South Africa), and onwards towards India and established a sea lane to India in 1498. Vasco De Gama subsequently sailed back to Portugal with the riches he desired, (spices). De Gama and other captains after him, would establish small strategic outposts in the territories they went around, (such as on the western coast of Africa and in India). These bases might simply be controlled by merely 20 men as there was no need for large garrisons. After all, the Portuguese, like their Venetian contemporaries, had perfected the art of occupation of territory by way of "…division of political opponents, the employment of economic resources for political ends, and the use of superior military technology when other measures failed, (Hess, 1970, 1900)

However, in 1502, Vasco De Gama was sent back to India to reinforce the will of Portugal upon the Hindu Kingdom of Calicut, (or as it is called Kozhikode, and is located in the north of the modern day province of Kerala), and its ruler, (Swami Nambiyathiri Thirumulpad or in its shortened form, Saamoothiri). The ruler did not acquiesce to the establishment of a Portugese trading post in his territory and thus ordered the killing of the Portugese left behind by De Gama in Calicut. To retaliate and show the resolve of the Portuguese, on 29th September 1502 one of De Gamas ships, the Sao Gabriel, spotted the 'Miri,' a ship from Calicut that was carrying 240 *Hujjaaj* returning from Makka, (this number excludes women and children onboard).The Emir of the journey was Jawhar Al Faqih, who was apparently a financier/city in Makka. Other passengers of the ship "…were ten or twelve of the richest Muslim merchants of Calicut…(Subrahmanyam, 205)." De Gama and his men surrounded the Muslim ship, and the 'Miri' did not resist, (in spite of the fact they had ammunition and weapons on board). Jawhar Al Faqih offered generous terms for their release to De Gama, offering first money and spice for all of De Gama's ships, even going as far as ransoming his wife, nephew and large quantities of spice in exchange for the freedom of the passengers. De Gama refused, and on October 3rd, after taking all valuables from the ship and embarking back onto his vessel, "…ordered his bombardiers to set fire to the ship [the 'Miri'] in several places. They did so, and those on board the ship now realized at last that they had no hope of escape. Taking the few bombards they had, and stones in their hands, both men and women on board attacked the departing Portugese boats…(ibid,

206).” As the ship burned, and the Portugese eagerly watched, “…women on board waved their gold and silver jewellery and precious stones, crying out ot the Admiral that they were willing to give him all that for their lives; some of the women picked up their infants and pointed at them, ‘making signs with their hands, so far as we could make out, that we should have pity on their innocence,’ (ibid).” However, the bravery of the Muslims should make us ashamed, as they did not cower or called the United Nations to help them, but in the account of Tome Lopes’s, one of De Gama’s crewmen, account of the event, the Muslims aboard the burning vessel, “decided to board one of the Portugese vessels and rammed it…furious hand to hand combat ensued…(ibid).” Lopes marvels at the ferocity of the Muslims as they fought as if “…they did not feel their wounds…(ibid).” However, in the end all aboard were burnt alive, except for the pilot of the ship and twenty or so children, (who were subsequently converted to Christianity). De Gama was not satisfied and would not be happy till all the Muslim Arabs living in Calicut, (mostly traders), were expelled, as De Gama explained:

> “For since the beginning of the world, the Moors [Muslims] have been the enemies of the Christians, and the Christians and Moors [Muslims] have been the enemies of the Christians, and the Christians of the Moors [Muslims], and they have been at war with each other, and on that account no agreement that could be made [between them] would be firm, (ibid, 214).”

It certainly doesn’t leave much unanswered about De Gama’s intentions. For those who believe the Portugese and Spanish expansion into the Muslim world was simply about Spices and wealth but a Crusader war first and foremost. In fact a few words should be said about the state of the Christendom, its rulers and their mindsets.

King Manuel I of Portugal, (who ruled from 1469-1521), had overseen the rapid rise of Portugals fortunes overseas as a colonial and trading powerhouse. He also had a “…rather strong Messianic streak, which made the capture of Jeruslam a particularly important objective in his policy decision…(ibid, 54).” It is strange however that some writers strangely try to brush aside these aims of Manuel, and try to portray his desires as simply a by product of his desire for power and economic benefit. This religious angle is something:

> “…which robustly materialist historians…have expressed considerable skepticism. But such a round dismissal does scant justice to the sources of the period, and support for a partly religious…interpretation can be found in the writings of even Joao de Barros, who though asked by the court to write ‘of the deeds that the Portugese did in the discovery and conquest of the seas and lands of the Orient,’ thought fit to begin his great chronicle *Da Asia* with the rise ‘in the land of Arabia [of] that great anti-Christ Muhammad,’ (ibid).”

Moreover the logical end goal of King Manuel was to be known as the Emperor of the East, cast in the Roman emperors of old, by recapturing “…of the Holy Land, and the destruction of the pilgrimage centers of the Hijaz (notably Mecca), came to be seen as the potential climax of overseas expansion…(ibid, 57).” For this reason, King Manuel decided that a direct assault on North Africa and Egypt would be too costly, and thus, the smartest approach was choking the Muslims by taking their sea lanes and trade routes while propping up indigenous Christian kingdoms in Muslim regions. As we will see later, the king was elated to have received word of the Christian kingdom of Ethiopia and its Emperor, Lebna Dengel, who they mistook as the mythical Prester John.[49] They believed that

[49] The tale spoke of a Christian patriarch and king said to rule over a Christian nation lost amidst the Muslims and pagans in the Orient. Written accounts of this kingdom are variegated collections of medieval popular fantasy. Reportedly a descendant of one of the Three Magi, Prester John was said to be a generous ruler and a virtuous man, presiding over a

in partnership with this supposed 'Prester John,' they could choke the vital red sea trading lane and its vicinity, while mounting attacks into the *Hijaz* to destroy the Muslims and Makka. After recieveiving word of the Christian kingdom of Ethiopia and the misdentification of its ruler as 'Prester John,' King Manuel "…wrote a letter to Pope Leo X…with the familiar projects of the union of Eastern and Western Christianities, the imminent destruction of Mecca (and the 'tomb' of Muhammad there!), all under the patronage of the Papacy, (ibid, 283)." The Portugese subsequently started propping up the Ethiopian King/Negus in his war against Imam Ahmed Bin Ibrahim Al Ghazi, as we shall see in due course.

The wealth and status these crusaders stole laid the foundation for their nations today. As for the millions of Muslims they killed along the way, we hold them accountable till today and will until all the injustices are rectified by the sword or By Allah (سبحانه و تعلى) on the Day of Judgement. The killing of the Muslims on the 'Miri' was one of the events that led to the Mamluke Sultan Al Ashraf Qansuh Al Ghawri to send a large naval detachment to fight the Portugese.

With the increasing presence of the Portugese in the traditionally Uthmani, (actually Muslim), sphere of influence, The Uthmanis, (in a coalition with the Malukes[50] and the Sultan of Gujurat, amongst others), decided to fight the Portugese navy, led by Francisco Almeida, (the Portugese Viceroy/governor), off the coast of the Gujurati city of Kathiawaar in 1509. The combined Muslim forces lost, paving the way for the Portugese to capture other key port cities of the region such as Mumbasa, Muscat, Goa, Sri Lanka, Malaqa and the Islands of Suqutra, (which is off the coast of Somalia) and Hormuz, (off the coast of modern day Iran and trading capital at the time). Portuguese trading posts were established in India and elsewhere on his route, while simultaneously him and his crew prosletized the natives to Catholocism and converted people forecefully on the way, (which is why Goa, De Gama's landing spot on the Malabar coast of India, has a 30% Christian population, which is much higher than the national average which is 2.3%), (Government of India. Census of India 2001, Data on Religion). Thus the Portugese, like the Spanish after them conquered in the name of Christ, with The Cross of the Order of Christ[51] adorned Portuguese sails in their travels to India,

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realm full of riches and strange creatures, in which the Patriarch of the Saint Thomas Christians resided. His kingdom contained such marvels as the Gates of Alexander and the Fountain of Youth, and even bordered the Earthly Paradise. Among his treasures was a mirror through which every province could be seen in which the prince's realms were surveyed and his duties laid out. At first, Prester John was imagined to be in India. After the coming of the Mongols to the Western world, accounts placed the king in Central Asia, and eventually Portuguese explorers convinced themselves they had found him in Ethiopia.

[50] The Mameluke Sultan, Al Ashraf Qansuh Al Ghawri had sent his fleet in 1507 to defend the Sultan of Gujurat from the aggression of Vasco De Gama and the Portugese fleet.

[51] A forerunner of the Knights Templar in Portugal, (The Knights Templar Order had fought during the Crusades and were established after the First Crusade, and existed from approximately 1118 to 1312). These were the same Knights Templar that massacred Muslim in *Sham* and specifically fought with their crusader zeal against the *mujahid* Salahuddin in the Battle of Hitteen under the leadership of Gerard de Riderfort. Sultan Salahuddin excecuted most of the Templars, who were obstinate in their *kufr*, after their spectactular defeat at the hands of the mujahideen, while the Crusader Gerard was executed in 1189 after the Battle of Akka (Acre). After the Templars were suppressed in 1312 by Papal authorities and a large number of them were executed in France, including their Grand Master Jacque DeMolay. Many of these knights took refuge in Portugal. Others elsewhere were absorbed into other orders such as the Knights Hospitaller. The influx of new recruits from theTemplar and the shift of the Knights Hospitaller to Rhodes, (an island near the southern coast of modern day Turkey), allowed the the Hospitallers, (now called the Knights of Rhodes), to harass Uthmani Shipping, attack the Uthmani naval *mujahideen*, (commonly known in the Christian world as the Barbary 'Pirates'), and conducting small scale incursions into Anatolia and even Egypt with their typical crusader zeal. However in 1522 the Knights were defeated by the mujahid Uthmani Khalifa, Sulaiman, resulting in many of the defeated knights to leave and settle in the Kingdom of Sicily, while others wandered homeless until 1530 Holy Roman Emperor Charles V conferred upon them the sovereignty of the island of Malta, (thereafter renaming the Knights of Rhodes to the Knights of Malta). The knights survived in Malta, carrying on the Crusader activites of their forefathers and harassing the Uthmani's, with

Brazil and Japan. Some may argue these are but coincidences and that papal authorities did not authorize their execesses but they would be wrong in that assumption as many Papal Bulls, (Papal pronouncements and edicts), and Papal Council records survive that evidence the crusading nature of the Church and its role as an incitor to the the 'Colonization Crusade,' or as the French would like say, "A Civilizing Mission" or as the British were fond of saying, "White Man's Burden" or perhaps in a contemporary context, "Operation Enduring Freedom." This process of colonization was nothing but one in the series of continous crusades since 1066. Pope Nicholas V issued a Papal Bull, called the *Dum Diversas* in 1452 stating:

> "We grant you [Kings of Spain and Portugal] by these present documents, with out apostolic Authority, full and free permission to invade, search out, capture, and subjugate the Saracens [**Muslims**] and pagans and any other unbelievers and enemies of Christ wherever they may be, as well as their kingdoms, duchies, counties, principalities, and other property…and to reduce their persons to perpetual slavery, (Curran, 67)."

This edict was a blatant statement of the Church authorizing the seizing of <u>by force </u>of Muslim lands and of enslaving their people, making the Church squarely responsible for not only inciting the waves of colonization that followed throughout the subsequent centuries, but also in the actual commissioning of the crimes against the Muslim *Ummah*, (among other peoples violated by the crusading Christians). In a later Papal Bull '*Romanus Pontifex*', (which is included in full in Appendix P), in 1455, (underlining is mine):

> "…if by his [**King Alfonso's**] effort and industry that sea might become navigable as far as to the Indians who are said to worship that name of Christ, and that thus he might be able to enter into relation with them, <u>and to incite them to aid the Christians against the Saracens</u> [**Muslims**] and other such enemies of the faith, and <u>might also be able forthwith to subdue certain gentile or pagan peoples, living between, who are entirely free from infection by the sect of Mahomet</u> [**Muhammad (صلّى الله عليه وسلّم)**]…But since, as we are informed, although the king and infant aforesaid (who with so many and so great dangers, labors, and expenses, and also with loss of so many natives of their said kingdom, very many of whom have perished in those expeditions, depending only upon the aid of those natives, have caused those provinces to be explored and have acquired and possessed such harbors, islands, and seas, as aforesaid, as the true lords of them), fearing lest strangers induced by covetousness should sail to those parts, and desiring to usurp to themselves the perfection, fruit, and praise of this work, or at least hinder it… to prevent this and to conserve their right and possession, [the said king and infante] under certain most severe penalties then expressed, have prohibited and in general have ordained that none, <u>unless with their sailors and ships and on payment of</u>

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the end of these crusaders, ironically, coming not as a result of an Uthmani invasion, but rather Napolean Bonaparte's, (another Allahless tyrant, albeit a brilliant military strategist), invasion of Malta in 1798. The order was revived in many European capital in various forms but in 1834, the Order established a new headquarters in Rome. It was renamed 'The Sovereign Military Hospitaller Order of Saint John of Jerusalem, of Rhodes and of Malta,' or as it is better known, 'The Sovereign Military Order of Malta (SMOM).' Its sovereign status is recognized by membership in numerous international bodies and observer status at the United Nations and others. The Order maintains diplomatic relations with approximately 100 countries, with numerous ambassadors. It issues its own passports, currency, stamps and even vehicle registration plates. The Grand Master of the Order serves as a Papal Viceroy, providing Vatican diplomats with procedural support for making motions, proposing amendments and requiring votes in the sphere of international diplomacy. Many claim that the Templars and Hospitallers survived in the form of freemasonry, thus enduring the persecution and establishing an unbroken chain of transmission of the Crusades from 1066 to our age. However, these claims are without solid proof, and thus can not be denied or agreed upon.

a certain tribute and with an express license previously obtained from the said king or infant, should presume to sail to the said provinces or to trade in their port or to fish in the sea…

We [therefore] weighting all and singular the premises with due meditation, and noting that since we had foremerly by other letters of ours granted among other things free and ample faculty to the aforesaid King Alfonso- to invade and search out, capture, vanquish and subdue all Saracens [**Muslims**] and pagans whatsoever, and other enemies of Christ wheresoever placed, and the kingdoms, dukedoms, principalities, dominions, possessions, and all movable and immovable goods whatsoever held and possessed by them and to reduce their persons to perpetual slavery, and to apply and appropriate to himself and his successors the kingdoms, dukedoms, counties, principalities, dominions, possessions, and goods, and to convert them to his and their use and profit- by having secured the said faculty, the said King Alfonso, or, by his authority, the aforesaid infant, justly and lawfully has acquired and possessed, and doth possess, these islands, lands, harbors, and seas, and they do of right belong and pertain to the said Kign Alfonso and his succesors, nor without special license from King Alfonso and his successors themselves has any other even of the faith of Christ been entitled hitherto, nor is he by any means now entitled lawfully to meddle therewith- in order that King Alfonso himself and his successors and the infant may be able the more zealously to pursue and may pursue this most pious and noble work, and most worthy of perpetual remembrance (which, since the salvation of souls, increase of the faith, and overthrow of its enemies may be procured thereby, we regard as a work wherein the glory of Allah, and faith in Him, and His commonwealth, the Universal Church, are concerned), in proportion as they, having been relieved of all the greater obstacles, shall find themselves supported by us and by the Apostolic See[52] with favors and graces -- we, being very fully informed of all and singular the premises, do, *motu proprio*, not at the instance of King Alfonso or the infante, or on the petition of any other offered to us on their behalf in respect to this matter, and after mature deliberation, by apostolic authority, and from certain knowledge, in the fullness of apostolic power, by the tenor of these presents decree and declare that the aforesaid letters of faculty (the tenor whereof we wish to be considered as inserted word for word in these presents, with all and singular the clauses therein contained) are extended to Ceuta and to the aforesaid and all other acquisitions whatsoever, even those acquired before the date of the said letters of faculty, and to all those provinces, islands, harbors, and seas whatsoever, which hereafter, in the name of the said King Alfonso and of his successors and of the infante, in those parts and the adjoining, and in the more distant and remote parts, can be acquired from the hands of infidels or pagans, and that they are comprehended under the said letters of faculty…"

In simple English, Pope Nicholas declared that the recent acquisition of Non-Christian territories by Portugal in Ceuta, (Ceuta was held by Muslims), and elsewhere were theirs forever, not to be usurped by anyone, even if they be Christian. In essence, the Church had declared war on the Non-Christian world. Furthermore, the Pope confirmed the *Dum Diversas* of 1452 while, for good measure, the Pope declares that it is justified for the Portugese to bar other powers from trading within their conquered territories unless a toll is paid and that Portugese ships are used. This edict was a result of Portguese realization that their profit would be cut in later years when other Christian powers manage to find a route to India, and thus offered the Pope to propgate Christianity in their newfound territories in return for exclusive rights to conquered lands. What resulted was a monopoly, reminiscent of the attempts of the gangs of Chicago muscle out competition from their turf, (albeit in

[52] The Apostolic See is used in the singular to refer to the See of Rome, (the central government of the Roman Catholic Church), referring to the Pope's status as successor of the Apostle Peter.

this case, using ‘men of the Cloth’[53] as their alibi), and European powers were none too pleased about this pronouncement by the Pope. In addition, many people, even in Europe were asking, ‘how can the Pope grant the right to conquer and rule places and people that:

1) Are not under the jurisdiction of the Catholic Church? (i.e. pagans and Muslims did not come under their official jurisdiction)
2) And how can the Pope grant lands that he has not knowledge of and are not in his possession to give?

Questions such as these were posed by the famous Dutch jurist, Hugo Grotius, whom many consider the father of international law in Europe, (while the actual ‘father’ of International law as considered even by Christian Europeans is Muhammad Al-Shaybani, a Hanafi Faqih who lived during the 8th Century CE), and more specifically the Law of the Seas, (from which, now has come the Law of the Skys), which is used internationally nowadays, (interestingly enough, the origin of these laws are the Catholic Canon Law and old Roman civil law). He asked in his famous ‘Freedom of The Seas’, “Can any nation give away what it never owned, or discover what already belonged to some one else? Does a manifest injustice of long standing create a specific right? (Grotius, 52).” He argues that the Portugal’s claim of exclusivity to trade in the ‘East’ was based on false premises by saying:

> “Neither can the Portuguese by any possible means claim to have discovered India, a country which was famous centuries and centuries ago! It was already known as early as the time of the emperor Augustus as the following quotation from Horace shows:
>
> ‘That worst of evils, poverty, to shun
> Dauntless through seas, and rocks, and fires you run
> To furthest Ind,’
>
> And have not the Romans described for us in the most exact way the greater part of Ceylon? And as far as the other islands are concerned, not only the neighboring Persians and Arabs, but even Europeans, particularly the Venetians, knew them long before the Portuguese did, (Ibid, 56-57).”

Furthermore:

> “But have the Portuguese completely covered the ocean, as we are wont to do on land, by laying out estates on it in such a way that they have the right to exclude from that ocean whom they will? Not at all! On the contrary, they are so far from having done so, that when they divide up the world to the disadvantage of other nations, they cannot even defend their action by showing any boundaries either natural or artificial, but are compelled to fall back upon some imaginary line. Indeed, if that were a recognized method, and such a delimitation of boundaries were sufficient to make possession valid, our geometers long since would have got possession of the face of the earth, our astronomers of the very skies, (Ibid, 70).”

And finally, Grotius argues that:

[53] Christian clergy

> "But if the Portuguese call *occupying* the sea merely to have sailed over it before other people, and to have, as it were, opened the way, could anything in the world be more ridiculous? For, as there is no part of the sea on which some person has not already sailed, it will necessarily follow that every route of navigation is occupied by some one. Therefore we peoples of today are all absolutely excluded. Why will not those men who have circumnavigated the globe be justified in saying that they have acquired for themselves the possession of the whole ocean! But there is not a single person in the world who does not know that a ship sailing through the sea leaves behind it no more legal right than it does a track. And as for the assumption of the Portuguese that no one has sailed that ocean before themselves, that is anything but true, (Ibid, 71)."

Thus, Grotius argues that neither sailing a route implies ownership of a land, (which would thus give possession rights to the occupier allowing them to impose their writ over the land in question), nor Papal edict to that effect, since if it did, Dutch geographers would have demarcated the whole world as exclusively Dutch property! Morever he sullies the claim that Portugal 'discovered' the routes they sailed on and the land they traded in but citing that Romans, Arabs and Persians had been to these places before Portugal, (thus effectively providing a European rebuttal to the Age of 'Discovery'). However, it must be remembered that Grotius wrote this book in 1604 to justify the trading activities of the Dutch East India Company against the Papal edict granting Portugal exclusive status over India and its Asian holdings. Therefore, it can be argued that Grotius perhaps did not actually believe in the argument he posits, but rather does it simply to earn his pay from the Dutch East India Company, (of whom he was hired by to write this thesis). Nevertheless, his arguments are in agreement with what any person with a mind would argue about the absurdity of Papal pronouncements in regards to colonization of other lands.

The rights bestowed by *Romanus Pontifex* have served as the basis for legal arguments over the centuries. The logic of the rights of conquest and discovery were followed in all western nations including those that never recognised papal authority. The U.S. Supreme Court ruled in the 1823 case *Johnson v. M'Intosh* that as a result of European discovery and assumption of ultimate dominion, Native Americans had only a right to occupancy of native lands, not the right of title. This decision was upheld in the 1831 case *Cherokee Nation v. Georgia*, giving Georgia authority to extend state laws over Cherokees within the state, and famously describing Native American tribes as "domestic dependent nations." This decision was modified in *Worcester v. Georgia*, which stated that the U.S. federal government, and not individual states, had authority in Indian affairs, but it maintained the loss of right to title upon discovery by Europeans.

In recent years, Native American groups including the Taíno and Onondaga have called on the Vatican to revoke the bulls of 1452, 1453, and 1493, (i.e. the edit of 1452 and others are still in force legally according to the Catholic Church and thus, amongst other things, the Catholic Church is still technically at war with the non-Christian world, which would include the Muslim *Ummah*).

Pope Alexander VI issued *Inter caetera* on 4 May 1493, which granted to Spain all lands to the "west and south" of a pole-of-pole line 100 leagues west and south of any of the islands of the Azores or the Cape Verde Islands, granting all lands to the east and south of that line to Portugal. This bull and other similar to it made up the 'Bulls of Donation.' This bull was silent regarding whether lands to the east of the line would belong to Portugal, which had only recently reached the southern tip of Africa (1488) and had not yet reached India (1498). These lands were "to be discovered" beyond those along the west coast of Africa as far as Guinea that were given to Portugal via the 1481 bull *Aeterni regis*, which had ratified the Treaty of Alcáçovas, (included in Appendix P).

This nullification of Portugal's aspirations led to the 1494 Treaty of Tordesillas, (included in Appendix P), between Spain and Portugal, which moved the line further west to a meridian 370 leagues west of the Portuguese Cape Verde Islands, now explicitly giving Portugal all newly discovered lands east of the line. Initially, the Tordesillas line did not encircle the globe. Spain and Portugal could pass each other toward the west or east, respectively, on the other side of the globe and still possess whatever lands they were first to discover. In response to Portugal's discovery of the Spice Islands in 1512, the Spanish put forward the idea, in 1518, that Pope Alexander had divided the world into two halves. The Treaty of Saragossa (1529) settled the dispute by placing the antipodal[54] line 17° east of the Moluccas.

Inter caetera states:

> "Among other works well pleasing to the Divine Majesty and cherished of our heart, this assuredly ranks highest, that in our times especially the Catholic faith and the Christian religion be exalted and be everywhere increased and spread, that the health of souls be cared for and that barbarous nations be overthrown and brought to the faith itself. ...we [the Papacy] command you [Spain]...to instruct the aforesaid inhabitants and residents and dwellers therein in the Catholic faith, and train them in good morals."

This papal command marked the beginning of colonization and Catholic Missions in the New World. An important if initially unintended effect of the combination of this papal bull and the Treaty of Tordesillas was that nearly all the Pacific Ocean and the west coast of North America were given to Spain.

Inter caetera stated that one Christian nation did not have the right to establish dominion over lands previously dominated by another Christian nation, thus establishing the Law of Nations. Together, the *Dum Diversas*, the *Romanus Pontifex* and the *Inter Caetera* came to serve as a justification for the Discovery Doctrine[55] and the Age of Imperialism.

The Treaty of Alcacovas which was signed between Portugal and Spain in 1479 was a ground breaking treaty in the history of colonialism, since it is one of the first international documents formally establishing the principle that European powers are empowered to divide the rest of the world into "spheres of influence" and colonise the territories located within such spheres, and that any indigenous people living there need not be asked for their consent (or even be informed that their fate was being decided upon).

In it, the allowances were that:

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[54] Of, relating to, or situated on the opposite side or sides of the earth

[55] The Discovery Doctrine is a concept of public international law expounded by the United States Supreme Court in a series of decisions, most notably *Johnson v. M'Intosh* in 1823. The doctrine was Chief Justice John Marshall's explanation of the way in which colonial powers laid claim to newly discovered lands during the Age of Discovery. Under it, title to newly discovered lands lay with the government whose subjects discovered new territory. The doctrine has been primarily used to support decisions invalidating or ignoring aboriginal possession of land in favor of colonial or post-colonial governments. This decision is still in force today and denies, (and in all likelihood will never be repealed), Native Americans their rights as the true inhabitants and owners of, if not all, large chunks of North America, (including Canada, where the same logic has been used).

"... the said King and Prince of Portugal or the future sovereigns of Portugal or their kingdoms, in their possession or quasi possession all the trade, lands and barter in Guinea, with its gold-mines, or in any other islands, coasts or lands, discovered or to be discovered, found or to be found, or in the islands of Madeira, Porto Santo and Desertas, or in all the islands of the Azores, or the islands of Flores, as well as the islands of Cape Verde, or in all the islands hitherto discovered, or in all other islands which shall be found or acquired by conquest [in the region] from the Canary Islands down toward Guinea. For whatever has been found or shall be found, acquired by conquest, or discovered within the said limits, beyond what has already been found, occupied, or discovered, belongs to the said King and Prince of Portugal and to their kingdoms, excepting only the Canary Islands, to wit: Lancarote, Palma, Forteventura, Gomera, Ferro, Graciosa, Grand Canary, Teneriffe and all the other Canary Islands, acquired or to be acquired, which belong to the kingdoms of Castile. And in like manner, [they promised] not to disturb, trouble or molest any persons whomsoever, who, under any title or in any way or manner whatsoever, shall trade or traffic in or acquire by conquest the said trade of Guinea or that of the said coasts or lands, discovered or to be discovered, in the name or under the authority of the said king and prince or their successors. On the contrary, by these presents, they do promise and assure, in good faith and without deceit, the said king and prince and their successors, that they will not, of themselves or through others, order or consent, but rather forbid, that any of their people, native or subject, in any place or at any time, or in any case, specified or not specified, or any other foreign people who might be within their kingdoms and dominions, or who shall be equipped or provisioned in their ports, go to traffic in the said trade or in the islands or lands of Guinea discovered or to be discovered."

These concepts would remain as generally-accepted principles in the ideology and practice of European powers up to the 20th century decolonization. The Treaty of Alcáçovas could be regarded as the ancestor of many later international treaties and instruments based on the same basic principle - for example the resolutions of the 1884 Conference of Berlin, a full four centuries later, which in much the same way divided Africa into colonial spheres of influence. Morever treaties such as those of, The London Pact,[56] Sykes-Picot,[57] The Balfour Declaration,[58] The Agreement of St.-Jean-de-

[56] The Treaty of London, 1915, was a secret pact between Italy and Triple Entente, signed in London on 26 April 1915 by the Kingdom of Italy, the United Kingdom, France and Russia. According to the pact, Italy was to leave the Triple Alliance and join Triple Entente, as already stated in a secret agreement signed in London, on 4-5 September 1914. Furthermore, Italy was to declare war against Germany and Austria-Hungary within a month — and in fact the declaration of war was published 23 May of the same year. In exchange, Italy was to obtain some territorial gains at the end of the war, (which included Germany's Asia and Africa holdings)

[57] The Sykes-Picot Agreement of 1916 was a secret agreement between the governments of the UK and France, with the assent of Imperial Russia, defining their respective spheres of influence and control in west Asia after the expected downfall of the Uthmani Empire during World War I. It was largely a trade agreement with a large area set aside for indirect control through an Arab state or a confederation of Arab states. The agreement was concluded on 16 May 1916. Britain was allocated control of areas roughly comprising today's Jordan, southern Iraq, and a small area around Haifa, to allow access to a Mediterranean port. France was allocated control of southeastern Turkey, northern Iraq around Mosul, Syria and Lebanon. Russia was to get Constantinople, the Turkish Straits and the Uthmani Armenian vilayets. The controlling powers were left free to decide on state boundaries within these areas. The region of Palestine was slated for international administration pending consultations with Russia and other powers, including the Sharif of Mecca.

[58] The Balfour Declaration of 1917 (dated November 2, 1917) was a classified formal statement of policy by the British government stating that the British government "view with favour the establishment in Palestine of a national home for the Jewish people" with the understanding that "nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country." The declaration was made in a letter from Foreign Secretary Arthur James Balfour to Lord Rothschild (Walter Rothschild, 2nd Baron Rothschild), a leader of the British Jewish community, for transmission to the Zionist Federation,

Maurienne,[59] Sevres,[60] Lausanne,[61], The San Remo Agreement[62], the secret Tripartite agreement,[63]ARAMCO[64] and its scheming in Saudi Arabia and the Red Line[65] agreements are a testament that this legacy of division and conquest never ended and continues well into our times with the conquest of Aghanistan and Iraq by NATO forces, (which includes much of the old cast of villains that terrorized the Muslim world during the 17th-19th centuries), and the US, while, under the

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a private Zionist organization. The letter reflected the position of the British Cabinet, as agreed upon in a meeting on October 31, 1917. It further stated that the declaration is a sign of "sympathy with Jewish Zionist aspirations." The statement was issued through the efforts of Chaim Weizmann and Nahum Sokolow, the principal Zionist leaders based in London. The "Balfour Declaration" was later incorporated into the Sèvres peace treaty with Turkey and the Mandate for Palestine. Ofcourse the agreement went contrary to the Hussain-Mcmahon Correspondence, (1915-1916), between Hussain Ibn Ali, (the Sharif of Makka), and Sir Henry McMahon, (British High Commissioner of Egypt), wherein McMahon promised the Arabs, (led by British agent T.E. Lawrence), in return for revolting against the Uthmani's, all arab state s from the southern border of modern day Turkey would get independence.

[59] London Pact stated that if the Ottoman Empire was partitioned, Italy should receive a "just share" in the Adana Region. The borders of this occupation were to be decided at a later time.

[60] The Treaty of Sèvres (10 August 1920) was the peace treaty between the Uthmani Empire and Allies that divided Uthmani possessions amongst the Allies at the end of World War I. The Treaty of Versailles was signed with Germany before this treaty to annul the German concessions including the economic rights and enterprises. The Treaty of Sèvres imposed terms so severe that British policy seemed to have succeeded in strangling the sick man of Europe in his sick-bed in Asia Minor. This had been the dream of Christianity for nearly five hundred years beginning with the Holy Leagues, the Ottoman Empire put into a condition such that it can never be revived again in its old form. The Treaty was annulled by the Treaty of Lausanne

[61] was a peace treaty signed in Lausanne, Switzerland, (1923), that divided the Anatolian and East Thracian parts of the partitioning of the Uthmani Empire amongst the allies, by annulment of the Treaty of Sèvres (1920) that was signed by the Istanbul-based Uthmani government; as the consequence of the Turkish War of Independence between the Allies of World War I and the Ankara-based Grand National Assembly of Turkey (Turkish national movement) led by Mustafa Kemal Atatürk. The treaty also led to the international recognition of the sovereignty of the new Republic of Turkey as the successor state of the defunct Uthmani Empire. The treaty also stipulated minority rights that Turkey had to give to its population including not discriminating between religions in Section III of the treaty, (i.e. no *Ahl Al-Dhimma*).

[62] The agreement was signed in 1920 dividing former Uthmani territories in the Middle East between France and Britain. The agreement involved that Britain and France would establish mandates over Middle Eastern territories. France got control over Syria and Lebanon, Britain over Palestine and Mesopotamia. The agreement was very much based upon the Sykes-Picot Agreement of 1916. The main differences from the Sykes-Picot to the San Remo were that the state of Turkey had been established, taking most of the lands allocated for Russia, and the northern parts of the territory intended for France. Also, there were no more any traces of an Arab state, and the lands of Palestine were defined according to the Balfour Declaration, which was included in the British part of the agreement.

[63] The Tripartite Agreement (1920), confirmed Britain's oil and commercial concessions and turned the former German enterprises in the Uthmani Empire over to a Tripartite corporation

[64] In 1948 Standard Oil of New Jersey (now Exxon) and Socony-Vacuum Oil (now Mobil) join Standard Oil California, (now Chevron) and Texaco as owners of Aramco, (Arab American Oil Company). In 1933 Saudi Arabia granted oil concession to California Arabian Standard Oil Company (Casoc), affiliate of Standard Oil of California (Socal, today's Chevron).

[65] An agreement signed by partners in the Turkish Petroleum Company (TPC) on July 31, 1928. The TPC, afterwards renamed the Iraq Petroleum Company, was an oil company jointly owned by some of the world's largest oil companies, (Anglo-Persian Oil Company/BP and Royal Dutch/Shell to name a few), which had a virtual monopoly on all oil exploration in Iraq from 1925 to 1961. The aim of the agreement was to formalize the corporate structure of TPC and bind all partners to a self-denial clause that prohibited any of its shareholders from independently seeking oil interests in the ex-Uthmani territory. It marked the creation of an oil monopoly, or cartel, of immense influence, spanning a vast territory. It is said that Calouste Gulbenkian, (an Armenian businessman and the founder of the TPC) took out a large map, laid it on the table and drew with a thick red pencil an outline demarking the boundaries of the area where the self-denial clause would be in effect. He said that was the boundary of the Uthmani Empire he knew in 1914. The other partners looked on attentively and did not object. They had already anticipated such a boundary. (According to some accounts, the "red line" was drawn not by Gulbenkian but by the French.) Excepting Gulbenkian, the partners were the supermajors, (ExxonMobil, Royal Dutch Shell, BP, Chevron Corporation, ConocoPhillips, Total S.A.) of today. Within the "red line" was included the entire ex-Uthmani territory in the Middle East, including the Arabian Peninsula (plus Turkey) but excluding Kuwait. Kuwait was excluded, as it was meant to be a preserve for the British.

pretext of creating Forward Command posts for their armies to fight the War on 'Terror,' have erected the equivalent of Portugese and Spanish trading posts[66] that projects American power well within the regions in question. Thus resulting in colonization of the said lands in all but form.
The treacherous *kafir* T.E. Lawrence stated in an intelligence report that the Arab Revolt, in reference to Britian and the west, was:

> "…beneficial to us, because it matches with our immediate aims, the break up of the Islamic 'bloc' and the defeat and disruption of the Ottoman Empire, and because *the states [Sharif Hussein] would set up to succeed the Turks would be … harmless to ourselves …* The Arabs are even less stable than the Turks. *If properly handled they would remain in a state of political mosaic, a tissue of small jealous principalities incapable of cohesion,* (Kastan, Wail S. Hassan,'T.E. Lawrence')."

The Prophet (صلَّى الله عليه وسلَّم) states, in an authentic hadith narrated by Imam Ahmad and Abu Dawud, on the authority of Thawban, we're told:

﴿يوشك الأمم أن تداعى عليكم كما تداعى الأكلة إلى قصعتها فقال قائل ومن قلة نحن يومئذ قال بل أنتم يومئذ كثير ولكنكم غثاء كغثاء السيل ولينزعن الله من صدور عدوكم المهابة منكم وليقذفن الله في قلوبكم الوهن فقال قائل يا رسول الله وما الوهن قال حب الدنيا وكراهية الموت﴾

The People will soon summon one another to attack you as people when eating invite others to share their food." Someone asked, "Will that be because of our small numbers at that time?" He replied, "No, you will be numerous at that time: but you will be froth and scum like that carried down by a torrent (of water), and Allah will take the fear of you from the breasts (hearts) of your enemy and cast al-wahn into your hearts." Someone asked, "O Messenger of Allah, what is wahn?" He replied, "Love of the world and dislike of death[67]"

We ask Allah, The Almighty, for His forgiveness for our feebleness and *wahn*.

With these facts in find, the Law of Nations developed, or as we say today, International Law, (it should be noted I have only briefly summarized a topic that would easily take writing a library worth of books to expound on fully). In international law there is a concept called *ultima ratio regum*

[66] In the famous example of Vasco De Gama, he established trading outpost at locations his crew stopped off at and initially were involved in trade, but slowly, these posts became the staging posts for the colonial hijacking of the countries in question.
[67] An authentic hadith recorded by Abu Dawud and Ahmad

or or last argument of kings (force and coercion, by military or other means). Many in Europe and America have argued that dictatorships such as China or Cuba are examples of the above wherein their due to their sovreignety they are free to do as they wish in their lands and abroad and not beholden to any one elses laws.

Other states oppose this view. One group of opponents of this point of view, including many European nations, maintain that all civilized nations have certain norms of conduct expected of them, including the prohibition of genocide, slavery and the slave trade, wars of aggression, torture, and piracy, and that violation of these universal norms represents a crime, not only against the individual victims, but against humanity as a whole. States and individuals who subscribe to this view opine that, in the case of the individual responsible for violation of international law, he "is become, like the pirate and the slave trader before him, *hostis humani generis*, an enemy of all mankind, (Janis & Noyes, p. 148)", and thus subject to prosecution in a fair trial before any fundamentally just tribunal, through the exercise of universal jurisdiction. Thus, we now begin to see and understand the basis of preemptive military strikes by countries in the present and the imposition of certain moral and ethical values imposed upon the Muslim world and its legal and political systems. Grotius says that:

> "For those who force war upon barbarous peoples, as the Spaniards did upon the aborigines of America, commonly allege one of two pretexts: either that they have been refused the right to trade, or that the barbarians are unwilling to acknowledge the doctrines of the True Faith.(Grotius, p. 60)."

While he adds by quoting Plutarch[68]:

> "…that it was greed that furnished the pretext for conquering barbarous countries, and it is not unsuspected that greedy longing for the property of another often hid itself behind a pretext of civilizing barbarians, (Ibid, p.57)."

Global Events in the Lands of the Muslim Ummah:

We now return to the state of global affairs during the 15th century. The Chinese Hui[69]Admiral Zhen He, (or as his Muslim name, Hajji Mahmud Shams) and his fleet under the Ming Dynasty led seven expeditions throughout the Pacific and Indian Oceans from Malacca to Aden, Muscat and Somalia, all during the period of 1405-1433. They left thriving Muslim communities behind in present day Malaysia and Indonesia. "Zheng He's visits to the Muslim Malay World had an undeniable impact as far as Islam is concerned. Indonesian Islamic scholar Hamka wrote in 1961: 'The development of Islam in Indonesia and Malaya is intimately related to a Chinese Muslim, Admiral Zheng He, (Ma, Chinese Muslims in Malaysia: History and Development).' " Furthermore, "Parlindungan Mangaradja Onggang writes that when the Ming Dynasty's fleet stopped in Semarang, Zheng He, Ma Huan and Fei Xin often went to the mosque to pray. He adds: 'Under the influence of Zheng He between 1411-1416, in the Malay Peninsula, Java, Sumatra, and the Philippines, there developed many Chinese Muslim areas, and many mosques were built,' (Ibid)." Indonesian scholar Slamet Muljana writes, "Zheng He built Chinese Muslim communities first in Ju Gang (Palembang),

[68] He was a Roman historian (of Greek ethnicity), biographer and essayist. Plutarch was born to a prominent family in Chaeronea, Boeotia, a town about twenty miles east of Delphi. His main works consist of the *Parallel Lives* and the *Moralia*.
[69] A classification of Han Chinese that are Muslims.

then in San Fa (West Kalimantan), subsequently he built same kind of communities along the shores of Java, the Malay Peninsula and the Philippines. They propagated the Islamic faith according to the Hanafi sect and in Chinese language, (Ibid)." Tan Yeok Seong in his article 'Chinese Element in the Islamisation of Southeast Asia' states that, "These early settlements were peopled by Chinese Muslims who had created a sphere of influence for themselves with the co-operation of Zheng He. Religion and trade then went hand in hand…Through Islam, the Muslims, in spite of their racial differences, became masters of trade; while, on the other hand, successful maritime trade helped to spread Islamisation. The Chinese settlers of this period were pioneers of both these enterprises. They had been Muslims and had established for themselves Islamic settlements at important trade centres, such as Palembang and Gresik. From these centres a process of converting the indigenous people was begun, (Ibid)." However, after Zheng He's death, Chinese naval expeditions were suspended and over time the Hanafi *madhhab* that Zheng He and his people propagated lost almost all contact with Muslims in China, and gradually was totally absorbed by the local Shafi'i *madhhab*. All in all, at around 1492, the global situation was one of thriving global commerce and governmental contacts across the continents. Ironically, when we label this period as the "Age of Exploration," it is just that, but not for all of humanity but rather, for the Christian Europeans that were just beginning to venture out into the world in a concerted manner, (an act that the Muslims and other civilizations had already undertaken well prior to 1492). Christendom was rapidly expanding, in the light of the vacuum that was present due to the weakness of the Muslims in the Maghrib and of the Uthmanis being occupied with fighting Venice and the Shia *Safawiyya*. During the later 1400's, the Uthmanis were preoccupied with one of their Christians rivals, the Venetians, (a trading powerhouse of the time and possessor a strong military). The fought three separate naval battles from 1499-1503 in Ionian sea, (which is amidst the Greek archipelago of islands). These battles were milestones in military history as the Uthmanis were the first navy to use cannons on ships. All three battles were led by the *mujahid* Uthmani admiral Kamal Ra'ees[70], (his full name was Ahmad Kamaladdeen), and all three were victories for the Uthmanis. During these string of victories, the Uthmanis also managed to take the island of Sardinia in 1501 also under the leadership of Kamal Ra'ees along with numerous other incusursions along the coast of Spain and Italy before returning back towards Istanbul, subsequently numerous naval *ghazawaat* along the way back.

Signs of Things to Come And The Beginnings of the Persecution of Muslims:

Returning to Spain, cracks began appearing in his this cozy arrangement between the benign Christian rulers of Spain and their Muslim 'flock.' What made it worse was that these problems were apparent to Garnatan Muslims that pondered over the state of *Mudajaneen* in Valencia and Arghun and the steady effort of the local authorities to wear down the Muslim *Fuquha* of the areas and eventually begin to tamper with the religious affairs of the *mudajaneen*. In fact almost all criminal cases between Muslims were tried not in a *Shariah* court, but before a Christian tribunal. In fact, "…in the thirteenth century the exercise of criminal justice by Mudejar courts was placed under the supervision of royal bailiffs, (Meyerson, 194). By 1329 CE, the cooperation between the Qadi's and Christians judges was so extensive that Alfonso IV commanded his Christian judges to "…exercise [their] jurisdiction and inflict penalties with the counsel of Sarracen judges, commonly called *qadi* s, (ibid)." Moreover, the Christians had effectively nullified any meaningful illusion of power the

[70] Ra'ees was a Turkish military rank akin to that of Admiral, that was commonly added to the officer's name

Islamic courts had as they interfered with a number of verdicts and issues, as was the case with murders committed by Muslims upon Christians:

> "Jaime II [King of Aragon] quashed any possible Christian complaints that convicted Muslims were being punished too leniently when sentenced according to the Shariah by ruling that, for any crimes committed by Muslims against Christians, the Muslims were to be sentenced by the law that demanded the heaviest penalty…However, it seems that during Fernando's [King Ferdinand of Spain] reign all Muslims culpable for crimes against Christians were penalized in accordance with the *Furs*[71], (ibid, 212)."

Some *kuffaar* have mangled the issue to the extent that they claim "…Islamic justice was being administered, even if under the auspices of a Christian court [!], (ibid)." I suppose next we should contact Pope Benedict and ask him to write us a fatwa on how *jihad* is *fard ayn* today! I merely jest, but sadly, neither am I far from the reality of the matter either as our own *ulema* now virtually follow the lead of the *kuffar* and speak the truth when the *ulema* know they, (their leaders and the *kuffaar* leaders that control their leaders), will be pleased.

"Muslims most often pleaded before Christian courts against their fellows in order to set in motion the executive machinery of the royal bureaucracy against recalcitrant debtors and those who lived at a distance from them. Mudejars sought the king's justice for its relative efficiency and coercive power. Even the decisions of the *qadi* general carried little weight without the backing of the bailiff general to enforce them, (ibid, 198)" In other words, the *mudajjan* preferred the law of the *kuffaar* due to its apparent 'efficiency.' Morever, wheresoever a *shariah* ruling was issued, it carried no weight unless the *kafir* judges backed it. One the first count, a majority of Muslims in the west today praise the American judicial system or the British system for its 'efficiency' or worse still, its 'justice.' This only proves their love of *kufr* and their inclination towards the *kuffaar*, when it is logically apparent that the law that Allah has revealed is the best law and way of live that provides true and absolute justice. There are parallels in this disgusting speech and possibly the attitudes of the *mudajjan* in Valencia and Arghun with people living in the west today. Some so called scholars and Islamic activists in the west and even in the Muslim world, state these are examples of the past, and are very different from how the governments, (and people), of the west treat us today with 'justice,' 'fairness' and 'dignity.' To dispel this fantasy, look at the 'justice' that was given to the *mudajjan* out of the 'generosity of their *kafir* king, in that he appointed them attornies if they did not have one:

> "Christian procurators (*procuradors*), usually notaries given power of attorney, frequently represented Muslims in court. The Christian procurator might also act as a Muslim's defense counsel, and some notaries seem to have been court-appointed public defenders. There is no evidence suggesting that the procurators were in any way negligent in the causes of their Muslim clients. For the notaries such dereliction of duty probably would have resulted in an undesired loss of clientele.
>
> Muslims were in no way restricted from bringing charges against Christians. Thus, when the widow Axa Christelli was unable to appear in court to make the requisite formal accusations against the knight Gaspar de Monsorin and his squire for the murder of her son, the viceroy obliged her by sending an official to Algimia to record her accusations and to seize the accused for trial. (ibid, 211)."

[71] Christian law

In fact, in court, when Muslims had to take oath, “the Muslims swore on the Qur'an. In the trial records the Muslims are usually described as having "made an oath ... to our Lord God and to the *qiblah* of Muhammad, turning the face toward midday and saying the words that Moors are accustomed to swear. (ibid, 210).” So how can one claim that there is a difference between these conditions and the condition of Muslim in countries such as America today?

On the second count, this is the exact state of so called ‘Shariah’ courts in ‘Muslim’ countries such as Pakistan or the Gulf states, wherein the *Shariah* courts have been relegated to dealing with inheritance issues and certains issues that state finds propaganda value in[72]. In fact, some notable scholars in the Muslim world have been favorable to the desires of their rulers and have ‘manufactured’ all sorts of new ‘fiqh’ to allow them to indulge in their desires, as is the case of the ‘Islamic’ financial industry. In a strange way one *kafir* author hit the nail in the head when they stated, “it was in the area of commercial law that the *Shariah* had proven most malleable and Muslim jurists most innovative, (ibid, 199).” I would emphasize on the ‘innovative’ as scholars even then indulged in the chicanery we say over the financial capitals of the Muslim world such as Dubai with multi billion dollar financial instruments being ‘manufactured,’ (I use this verb deliberately), by *kaafir* specialists from Europe. I think that says enough about the state of our affairs, and enough to imagine the state of affairs of the *mudajjan*.

A clear example of the sorry state of affairs of Andalus occurred in 1491 in Valencia. Under the laws of the land, if a Muslim man committed adultery with a Christian woman, both were sentenced to death by burning alive, while if a Christian man commited adultery with a Muslim woman, the Christian man would receive no punishment at all, while the Muslim woman would receive the Sharia punishment of stoning to death, (Constable, 341). However, almost always this sentence was commuted by the royal authorities and the women were sentenced to become prostitutes in the royal brothel, (Ibid). One has to ask which form of twisted justice is this? Instead of death with honor, you offer a life unending with shame and dishonor to service the perverted desires of the Christian elite. On the 23rd of June of 1491, Maryam, a *Muslimah*, was brought into the Valencia court and below, the Court recorded, records Maryam’s reponses to the questioning in the court:

> “She was asked how she came here [that is, to the city of Valencia]. She answered that it was because of her mother, for her mother had forced her to return to her husband.
> She was asked with whom did she come [to Valencia]. She answered that [she came] with a procurer by the name of Cutaydal [a Muslim] whose place of origin, she said, is unknown to her.

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[72] Read: Taqi Uthmani’s ‘historic’ ruling on Interest being *Haram*. First of all we all knew it was *haram*/forbidden, so it really isn’t historic or groundbreaking. Secondly, after this ‘historic’ ruling, how are interest based banks such as Standard Chartered, ABN AMRO, Citibank, Royal Bank of Scotland and others operating in Pakistan uptil this day (might I add, with Pakistan Government Bank Licenses to boot)? The fact is that the rulings of the Shariah courts can be overruled by the secular Supreme court of Pakistan, and due to the fact that neither was this ruling overruled, or repealed by the government, while at the same time interest based banks are still operating, that this ruling is nothing more than simply a very well organized deception of the Muslim masses, (which has subsequently drove thousands of Muslims into putting their hard earned money into ‘Islamic’ banks and other ‘Islamic’ institutions), to make them believe that their country, (in this case Pakistan), is an ‘Islamic’ country, (nowadays the government is fond of the oxymoron, ‘Islamic democracy’)

She was asked if she is with that one [Cutaydal] freely or by compulsion. She answered that presently she is not longer with him, since he mistreated her, however, previously she was and came with him out of her own free will, for he had promised to make her his wife.
She was asked if he [Cutaydal] put her to work [as a prostitute] with her free consent or by compulsion. She answered that in the beginning she, the said defendant, traveled with the Cutaydal voluntarily, for he had promised to make her his wife.

She was asked if she, the said defendant, is in the brothel voluntarily or if the said Cutaydal was forcing her to be there. And she answered that before she, the said defendant, became a prostitute, the said Cutaydal threatened her, telling her that the agents of the Lord Cardinal [of Valencia; a major landholder in the kingdom with a reputation for mistreating Muslims] would enslave her. And therefore it was decided [by Maryan and Cutaydal], that he should be sold to the noble Don Altobello [de Centelles] and that thus she would be secure [that is safe, from the Cardinal's men as Don Altobello's slave, a more benign master]. And so she was led to believe that she had been sold to Don Altobello, and thus they have put her in the brothel. And thus she has had to endure being there and is there voluntarilty.

She was asked if she would like to return to the custody of her husband or of her mother and return to freedom, instead of being where she is. She answered that she does not wish to return to her husband, but that she desires to return to her mother rather than being where she is.

She was asked for what quantity [of money] she was sold to the said Don Altobello. She answered that the said Cutaydal led her to believe that he had sold her for Twenty Pounds, but that the said Don Altobello has told her that it was for Thirty pounds.

She was asked what she does with her earnings [from prostitution]. She answerd that she has worked for two days, and that everything she earns she gives to Don Altobello. And that he [Don Altobello] has told her that he will take her earnings into account toward her ransom ….

[**Questioning resumes two weeks later**]

She was asked if she is married and has a husband. She answered yes, she was married with a letter of *Sadaq* [Arabic: dower], according to the custom of the Muslims. Her husband is named Muhammad Jahupi.

She was asked if she has worked [as a prostitute] and has committed adultery with any Muslim in the present city of Valencia. She answered that she has been a prostitute and has a worked in a brothel of the *moreria* [Muslim quarter] of Valencia.

She was asked if she had committed adultery before she was put in the brothel of the *moreria* of Valencia. She answered yes, that is, that she slept with the said Cutaydel in the city of Valencia.

She was asked if she was adhering to the aforesaid confessions. She answered yes, that she will always adhere to them, (Ibid, 341-342)."

For those interested, the end result was that Maryam was freed to either go home to her parents or husband or practice licensed prostitution, (The Spanish approach to prostitution was not to ban it but rather to license it, regulate it and tax it).

Some interesting information is gleaned from these proceedings and that is:

1) The Spanish authorities licensed and regulated prostitution: it would certainly seem against the title they took on as the defenders of the Catholic faith and more likely than not, they had constructed a clever Christian legal maxim or procured ecclesiastic permission at some level to do so.
2) It can be inferred with little doubt that the Muslim society in Valencia, specifically in the *moreria* was becoming increasingly morally corrupt with such cases of wives running off perhaps on the rise and the fact that Maryam apparently states that she worked in the *moreria* as a prostitute. In addition she applies that Muslims had bought her services, which implied that moral corruption had already sunk in and perhaps the whole family structure had begun to crumble, leading to divorces, adultery and rapes. One can also safely assume that she certainly wasn't the only one plying her trade.
3) It is highly likely that Muslims were in on the act of trapping Muslim women by luring them into marriage, committing adultery with them, and then, knowing that subsequently that neither their parents nor their husbands, (if married previously), would take them back due to their adultery and infidelity, they proceeded to blackmail them into prostitution. The owners of the brothels were usually Spanish nobles who provided procurers such as Cuytadel a steady stream of revenue while the Muslim procurers would give them a steady flow of Muslim women for their brothels. This mechanism still goes on today in poorer Muslim countries in the Maghrib, Iraq and Afghanistan, (whereas the trade in women from Eastern Europe is well documented and the mechanism by which they are lure and forced to work in places such as Dubai).
4) Though not included in the trial transcript, if the Qadis of the city were to have gotten hold of Maryam, or others like her, before the Spanish courts had, (it is not clear if they did or not), They would have sentenced her to be stoned to death and would then present this ruling to the Governor of Valencia to be ratified. Almost always the sentence was commuted and the woman was made into a prostitute in the Royal Brothels. In other words, sharia word was established, but only in word since the rulers could, at any time, interfere, abridge or annul a ruling by Qadis. This certainly didn't bode well for the Garnatans.

To put this ruling in perspective we must look at the state of the *Mudajjan* prior to the fall of Andalus. Of the many things that the *Mudajjan* of Aragon and Valencia had to endure were to be humiliated by way of clothing:

> "The IV Lateran Council of 1215 had demanded that all Christian monarchs force Muslims and Jews within their dominions to wear distinctive clothing, so they could be easily identified, and these demands were repeated by Honorius III and Gregory IX. Spanish monarchs acceded to these without protest, and even added to them. Between the early thirteenth century, when the laws were enacted, and the mid- fourteenth, there were certain modifications in the efforts to make the Muslims distinctive. Originally Muslims and Jews had had to wear a distinctive outer garment like a cleric's cape, round and gathered, with a hood, and not striped, green, or bright red. They could not wear rings of gold or precious stones, and had to grow their beards long and cut their hair round rather than in Christian fashion, (Boswell, 330-331).

Moreover, there was no security for the person of the Mudajjan of Argun and Valencia as they could be kidnapped and held for ransom by anyone, and there was nothing Muslims could do about it:

> "It was extremely common throughout the fourteenth century for Muslims to be seized and held for ransom, either by officials or civilians, and for any of a hundred reasons (or for virtually no reason at all). During an inquisition in Atzuena royal officials began seizing Muslims at random and forcing them to redeem themselves at terrific expense; they were forced to desist by the Crown only when the lord of the community complained that Mudéjares were beginning to emigrate in droves out of fear of being held for ransom. The *alcayde* of Aranda seized the daughters of local Mudéjares and forced their fathers to ransom them until ordered to stop by the king, who professed to be "astounded" at the practice, but imposed no penalty on the alcayde [Qa'id].
>
> During the war, Christians often made "citizens arrests" of Moors, whom they then held for ransom. The pretext for such arrests was usually that the Muslim involved was a "rebel," but the real motive was transparent: rather than shady or unknown Muslims who might indeed have been in the service of Castile, those arrested were nearly always prominent, well-to-do Mudéjares, of unquestioned loyalty but great ransom potential. Personal retainers of the king were twice detained thus and held for ransom, and each time the king came to their rescue. Far from punishing the Christian captors, however, he actually allowed them to keep the portion of the ransom already paid (500s in one case; 600s in the other), even though he admitted that in each case the Muslim had been falsely accused, (ibid, 333-334)"

However, worst of all, the Christian rulers of Arghun and Valencia enacted laws that affected the morals of the Muslims and allowed the Christians to do as they wanted with Muslim women in the areas of the *Mudajjan*:

> "A Christian man who slept with a Muslim woman was liable to no penalty at all, but the Muslim woman was invariably sold into slavery (unless she was already licensed as a prostitute). In short, those members of the society with no power, i.e., Muslims and women, were penalized for unions which were permissible for the members with power, i.e., Christian men. That Muslim women seem to incur a lighter penalty than Christian ones probably an indication that Christian men did not want to erect barriers to their own recreation. (On the other hand, a Jewess of the period found to have had relations with Christian men [as well as Muslims] was ordered by the king to be exiled or dismembered, (ibid, 344-345)."

As a result of making the *Shariah* irrelevant and pointless, and imposing the supremacy of the law of the kings of Arghun and Valencia, strange legal outcomes occurred. Muslim women that had committed adultery opted to be slaves and prostitutes in the Royal Brothels ('whore houses'), to avoid stoning:

> "All of the women who appear in the documents of the fourteenth century opted for slavery, and the trade in *sarracenas* [Muslim women] thus enslaved was very brisk. In fact, so many women became the property of the Crown in this way that there was lively competition among royal favorites to receive the "rights" over Saracen [Muslim] women caught sleeping with Christian men. The women were either sold, with the proceeds going to the king, queen, or the lord of the scene of the crime, or were granted as rewards to favorites. The Crown seems to have preferred the cash to the person, and since the enslaved women would naturally

tend to be young, the profits were considerable…Pardons were extremely rare, and granted only at the insistence of a prominent Christian, (ibid, 346-347).”

In fact according to some, “Indeed, of the prostitutes officially registered with the *Maestre Racional* of Valencia, the ‘majority were Muslim…’, (ibid, 350).” Naturally, as we are discussing adultery, rape of Muslim women was common in the *Mudajjan* territories:

> “Rape of Mudéjar women was not uncommon, but the cruellest aspect of the situation was the potential for abuse in the law of enslavement. A gentleman of the king's Court was granted as a slave a Muslim woman whom he had himself induced to violate the law, and this double exploitation occurred to others as well: in 1356 Peter granted the monastery of Roda the "rights" over all Saracen women under its jurisdiction caught sleeping with Christians; i.e., they were to have them as slaves, either for their personal use or to sell, and the monarch instructed the General Bailiff of Aragon to honor this. In the following year, however, he had to alter his original grant, and specify that the monks could not have as slaves those women who had been convicted of sleeping with the monks themselves.
>
> This sexual exploitation of Mudéjar women, with its horrible consequences for them, seems even more deplorable in view of the fact that the lands under the Crown of Aragon abounded in prostitutes, both Muslim and Christian. Fourteenth-century Aragonese monarchs licensed prostitutes throughout Aragon-Catalonia-Valencia, assigned them neighborhoods or specific houses for their practice, and considered them such a natural part of life that they provided in considerable detail for the quartering of prostitutes kept by mercenaries during the war. Although such women were generally quartered in Muslim homes…(ibid, 347-349).”

There was a double standard at play at the same time as Jews were treated more leniently, (in this case, alleged adultery):

> “It was common for Jews accused of the same crime to get off with a fine, even when charged under the same inquisition as Muslims who did not get off. Anyone could bring charges against a Muslim for this crime, including a Christian prostitute who had voluntarily slept with him, and such accusers enjoyed complete immunity. Abuses of this and the dire consequences for the Mudéjares eventually prompted them to demand that a Muslim be convicted of sleeping with a *Christiana* only on the testimony of two or three witnesses, one of them a Muslim, (ibid, 345-346).”

An additional injustice was that Muslims were never safe in their person from the violations of the Christians:

> “Sometimes prominent Christians terrorized whole communities of Muslims with acts of wanton violence and cruelty. The knight En Francesch d'Alos and his sons wreaked such havoc on the aljama of Jabut that the local Hospitallers finally felt constrained to intercede with the king on behalf of the Mudéjares. They had insulted Muslims viciously, struck them if they replied, beaten them without provocation, punished them for grooming their animals on holydays (while they did precisely the same themselves), beat and crippled a Muslim for pasturing animals on their lands, and one son even broke into the home of a female Muslim and raped her, causing her to move to another town, (ibid, 356-357).”

If that were not enough, the Muslims had to pay a series of taxes to the Christian kings which were the equivalent of non-Muslims paying *jizyah*:

> "Jews, Christians and Muslims all paid regular annual taxes: the *peyta* (= *tributum*, *trahut*, *tallia*, *questia)*, the *cena*, and the *censal* (or *censualia*)…The *cena* had originally been a feudal duty for the provisioning of the king when he visited a town *(cena de presencia*) or traveled elsewhere *(cena de absencia)*, but by the mid-fourteenth century it was merely a standard tax. The *censualia*, often referred to in the documents as *exaccions*, were an aggregate of annual taxes on property and business operations such as ovens, baths, shops, mules, etc….There were a number of minor annual taxes as well, such as the *lezda*, imposed on meat, the *cabecagium* (head tax) for the walls of the city, etc. These varied widely from city to city and can best be appreciated. by examination of the records of the individual aljama. *Cavallerías* were collected in most towns during war time on a regular basis... Some aljamas were liable for *cavallerías* in peace as well as war, and under such circumstances they were simply additional taxes. Royal Mudéjares paid a small property tax called the *besant*...(ibid, 196-199)."

What was the *besant*? In the words of one author, "Each Muslim household paid a tax known as the *besant* , a tribute symbolic of their subject and inferior status in a Christian society. In this way it was similar to the *jizyah* , or poll tax, paid by the *dhimmi* s in Islamic societies, (Meyerson, 146)." The humiliated state of these *mudajjan* knew no bounds. In spite of all these depredations, the Muslims chose to stay and were compelled into military duty and payment for military campaigns to the Christian kings, (against both Muslim and Christian foes):

> "Their duties -- whether owed to the Crown, to nobles, or to the Church -- were the standard duties of Aragonese vassals or serfs. Muslim vassals of the king in Ricla, for instance, owed him [the king] six days [of military] service per year, with oxen or goats if they owned them, on foot if they did not; the king was to feed them during this time. For the most part, however, feudal duties in the fourteenth century took the form of payments, either in cash or kind, and military service. Military duties are discussed below; the question of payments is addressed in a separate chapter. There is no reason to believe that, apart from one or two special taxes of little consequence, and the two exceptions noted below, Mudéjar serfs were in any way distinct from Christian ones, (Boswell, 166-167)."

The *Mudajjan* even went as far as paying to support the reconquest of Garnata in 1491, (the campaign was almost two decades long), and in essences paying the Christians, and aiding them to fight the free Muslims of Garnata. "…From 1484 through 1487 the Jews and Muslims were paying "some quantities" for the Granadan campaigns, (Meyerson, 170)"

To pile on the ignominy, the *Mudajjan* had to provide housing, and other items required by the army if they quarter in a Muslim area during the early 14th century CE:

> "Mudéjares were also held liable for duties of hospitality. These included accommodating not only the royal family, or a local lord and family, but also soldiers and their mistresses, even when the latter were Christian. The fact that the mistresses alone could not stay in Muslims' homes and had to be relocated when the soldiers were away implies that Mudéjar homes were filled first and Christian ones only when the Mudéjar homes did not suffice…Mudéjares were also responsible, in many locales at least, for providing the bedding and linens for the local castle and the troops garrisoned there…the obligation to provide hospitality was dispensed

with in the later fourteenth century, and the early fifteenth even saw the termination of dues owed the municipal walls, (Boswell, 169-171)."

Some may argue due to the sparse reading on the topics of Andalus and its Muslims, that the *Mudajjan* were not liable to be called up for military service but that is incorrect:

"It has long been assumed that the Muslim communities under the Crown of Aragon were not liable to military service. Both Circourt and Macho y Ortega state or imply this, the latter quite positively: "It is certain that Aragonese Moors were exempt from military duties..." It is patent, however, that this was not in fact the case -- either in Aragon proper or in any of the realms under its Crown -- in the fourteenth century. While it is true that many of the origina1 treaties of capitulation between Muslim communities and their Christian conquerors included provisions exempting the Muslims military duties (for obvious reasons), such provisions were almost universally ignored in succeeding centuries…There can be no doubt that, prior to the fifteenth century, the custom of using native Muslim troops to assist in the king's military exploits was widespread and unopposed. Burns discusses this for the thirteenth century at some length. The great-grandfather of Peter the Ceremonious, during a war with the French in 1283, set a precedent when he demanded a company of "well-appointed" archers and lancers from each of the aljamas [Al Jama'/community of Muslims] of Valencia designated by the *faqi* Samuel. According to Zurita, during Peter IV's struggle with the Union, "Don Pedro de Exerica, and Don Gilabert de Centellas, who was the *qa'id* Játiva, gathered a great number of Moors of the realm of Valencia and other areas" to come to his aid…(ibid, 171-173)."

In fact some Muslims actually felt it was their <u>duty</u> to fight on behalf of the Christian king against his enemies:

"…Even without royal duress, however, the Mudéjares seem to have felt that a certain share in the defense of the realm was incumbent upon them. Christians and Saracens of Valencia voluntarily operated a sort of vigilante guard against Castile at the start of the war. This was prohibited by the king, however, and those found guilty engaging in such operations were fined, Muslims more than Christians, (ibid, 173-174)."

In fact, the community leaders would step up and provide troops for the king:

…The aljamas, however, were not the only source of Muslim cavalry. Numerous outstanding individual Mudéjares furnished one or more cavalrymen at their own expense, either voluntarily or under obligation. Faraig de Belvis kept at least one knight "continually in the service on the borders of Aragon and Valencia" and was reimbursed for the horseman's salary by monies allotted the king at the *Corts* of Monzón (l365). Mahoma Ayudemi Ballistarius served personally as a cavalryman for the king from the outset of the war, but was nonetheless compelled by suit of his aljama to contribute with them for the war effort, not only toward the upkeep of the walls and other similar works, but even toward the salaries of the aljama's other *equites*. Çaat Alcafaç, on the other hand, a prominent and wealthy Valencian, received compensation for his outlay in maintaining *cavalcadura* for fifteen days in Játiva in 1362… (ibid, 185).

Although in quite a few cases, the Muslims conscripted to fight for the king were coerced to do so by the authorities by them taking their families hostages:

> "…To ensure the loyal performance of men employed under these terms, wives and children of the Mudéjares were held as hostages, and unmarried men were therefore unacceptable for the position, (ibid, 182-183)."

With these numerous disgraceful events and acts accounted, we must be fair and recount some of the more praiseworthy acts of the *mudajjan*. Although quite a few Muslims paid a tax to pay for the Christian reconquest on Garnata, likewise there were quite a few Muslims that were send money to the Muslims of Garnata to aid them in their time of need, as:

> "In December 1486, it was reported that all the *morerías* of the kingdom, seigneurial as well as royal, were providing the sultan [of Garnata] with annual subsidies equaling the value of the hides of all the animals they had slaughtered, probably during the ^c*id al-kabir*, the festival commemorating the sacrifice of Abraham. Five months later the report was more detailed. Apart from their embassy to the Turks [Uthmanis], the Mudejars had been sending financial support to the Nasrids [government of Garnata] since 1481. In each *morería* the *faqih* was charged with the responsibility of collecting funds from every Muslim. In addition to proffering financial aid, the Mudejars were doing what they could to turn toward the sultan the favor of the Divine. The *faqih* s were leading their congregations in a prayer that beseeched God to exalt the sultan of Granada and to destroy the Catholic Monarch and his hosts…(Meyerson, 72)."

The righteous among the *Mudajjan* participated in the naval *ghazawaat* [raids] upon the Spanish coast and its vessels, (that were carried out by *mujahideen* in the *Magrhib* as individual groups or by the Uthmani navy), either as actual crew members or by forming intelligence networks in the coastal cities to aid the *mujahideen*. In fact, "One captive corsair [naval *mujahid*] told how his party was guided from Guardamar inland to Rojales by a Mudejar of Albatera. It is also possible that when the corsairs [naval *mujahideen*] left behind their own spies, the latter were hidden by Mudejar communities. Even more striking is the information received by the jurates of Valencia, that Bablaguer, a Mudejar of Oliva, was piloting a corsair [naval *mujahideen*] squadron of six ships sailing out of Oran, (ibid, 79)." The informant networks not only provided intelligence to the *mujahideen*, but also allowed for the escape of Muslims taken captive to the *Maghrib*/*Dar al Islam*:

> "According to the bailiff general, the Mudejars of the coastal towns were the most troublesome. Those possessing fishing boats would, under the pretense of fishing, lead to the kingdom's shores the galleys of corsairs intent on capturing Christians. These "fishermen" would also help Muslim slaves to escape in their boats, (ibid)."

Sticking to the topic of freeing slaves, the *mudajjan* communities, (or Jamaa'a), "…often aided and harbored runaway slaves…This suggests that some sort of network was organized between the *morerías* [Muslim areas/neighbourhoods] for the purpose of abetting escaped slaves…For example, Muslims of the *morería* of Valencia participated in the jailbreak of a Muslim slave. Another aljama received a female runaway and married her off to one of its members. Muslims of Denia provided fugitives with a seaworthy boat and provisions for making the journey to North Africa, (ibid, 83)."

The *mudajjan* communities also ransomed Muslims that had been taken captive either by the desire of the Christians or through war. They "…became especially active in this regard in 1488 and 1489, when 385 Muslim prisoners from recently conquered Málaga were brought to Valencia for sale. For example, in one large sale the aljama of Valencia purchased nineteen Malagan captives, all at least sixty years of age. Apparently, the Mudejars wished to prevent these elders from suffering the

indignity and hardship of slavery. Many of these ransomed captives stayed in Valencia permanently…(ibid).”

In any case, with the stated fact about the *mudajjan*, (both positive and negative), it has to be said that their apparent state was that of an oppressed minority, and of people that willingly chose to be oppressed and stay that way, (upto the forced conversion that were to follow in Arghun and Valencia in the 16th century CE). In the Shariah sense, they knew that they shouldn’t have been in in *dar al kufr*, and thus those, (who had the capability to leave), people are extremely blameworthy.

By any measure, the Muslims of Garnata, should have known better by way of stories that originated from Arghun and Valencia about the Christian authorities and from Muslim that were from those areas either living or visiting Garnata. In the *Mudajjan*, the Muslims of Garnata should have seen the ‘blueprint’ of their own destruction, and they should have taken heed and left to the *Maghrib*, but yet they stayed? If you are a Muslim living in the west, ask yourself why you don’t leave your residence in *dar al kufr* right now? Predictably, there will be a variety of reponses, but the response that would be in the majority and would be hardest to declare, is that you are attached to the land and actually like it. This is truly a dangerous predicament and the love of *kufr* and its people is unacceptable. The same reason is perhaps the only logical explanation for Muslims not leaving Garnata.

Moving from the *mudajjan* onto macro analysis, we need to put events into context by way of numbers. The population of Muslims in Andalus from 1491 till the final expulsion in 1609, is estimated to have been somewhere in between 300,000-400,000. Professor L.P. Harvey says that there are many estimates including:

> “...Lapeyre (1959), adopts a figure of 275,000 for those who were finally expelled. This was the number of those officially known to have left the country at the end...perhaps an adjustment of 10 per cent will compensate for, among other things, clandestine emigration and those lost in fighting and give a figure of some 300,000 to 330,000...These figures are substantially in line with global estimates of Morisco populations reached by Dominguez Ortiz and Vincent (1978, 82-83), who give 321,000 for period 1568-1575 and 319,000 for the eve of the expulsion in 1609, (Harvey, 2005, 12-13).”

Inspite of the low numbers in terms of as a percentage of the total population of Spain, and their resulting vulnerability, Muslims were not forcibly converted until the beginning of the 1500’s, with Castille starting from 1500-1502, while Navarre was 1515-1516 and the Crown of Arghun, (Arghun, Valencia, Catalonia), was 1523-1526, (Ibid, 14). However, the question still remains, how did it all begin?

During 1497, in the Kingdom of Portugal, (which remained independent till 1580), King Manuel of Portugal had married Isabel, (daughter of Isabella and Ferdinand of Spain). Although in light of our topic this may not seem to have any relevance, but as we shall see, the negotiations prior to this marriage are important milestones in understanding the beginning of the process of the crimes committed by the Christian kings such as the forced conversions and eventual expulsions. Isabel’s Castillian negotiation team put a condition in the marriage agreement that, if the two are to be wed, Manuel must expel all the Jews and Muslims from his kingdom. It must be remember that in 1492, all the Jews of Garnata were officially expelled without exception and, although many went to the *Maghrib* and elsewhere, a large number came to Portugal to what they thought would be a safe haven from Spanish oppression. The same was done by the Muslims of Garnata. Litte did they know five

years later, they would get expelled from Portugal as well. It is interesting to note that the negotiator for the Spanish was Francisco Ximenes de Cisneros, the same Ximenes that was the replacement for Hernando Talavera as the Archbishop of Garnata. He had, "...added in the course of negotiations the further stipulation that the Muslims of Portugal should be eliminated at the same time as the Jews, (Ibid, 16)." It is not hard to imagine that Ximenez was testing the waters to see if the Portuguese sovereign would implement the edict, but more importantly, it was seen as practice run of the same action in Spain with Spanish Muslims. It can be seen that these condition imposed on Manuel in 1497, are "...the first indication that Castile envisaged putting an end within its own territories to the medieval Mudejar [*mudajjan*], dispensation...(Ibid, 17)." Subsequently at the time of implementation of the marriage agreement and its clauses, Manuel opened the borders to allow Muslims to leave Portugal to settle in Castile where only three years later they would be given a choice to be expelled out of Spain or be forced to convert to Christianty! However, there was more in store, as the Portugese had given the Jews the choice of expulsion or conversion, (the same choice offered in 1501 to Muslims), with several ports embarkation provided. In usual Christian fashion, at the last moment, the Portugese reneged on this provision at the last moment and made Lisbon the only port of embarkation. It was known that any one caught after the deadline for expulsion, that had not converted, would be caught and made into slaves. Logically, it was never possible that there would be enough ships to carry the entire Jewish population of Portugal from only the port of Lisbon nor logistically would it be possible to board all the ships with passengers and cargo before the deadline. The Portugese would have known this and so it can be assumed, or at the very least contemplated, the Portugese deliberately made the decisions they did. And as for Jewish children, they were not allowed to leave with their parents, and were taken from them and raised as Christians, (which was not the case with Muslim children, but nevertheless Muslims were suspicious). Muslims, therefore, thought it wise not to depart from Lisbon and instead become *Mudajjan* along with their brothers in Garnata. In any case, even if they had wanted to depart from Lisbon it was highly unlikely all the Muslims could have been able to secure transport to leave towards, most likely, the Maghrib. This certainly is an important fact to consider, in the case of these Portugese Muslims at least, when we decide whether there was *ikrah* [compulsion] at play in their situation, and of their not leaving towards *Dar Al Islam*, (i.e. the *Maghrib*). The glaring fact that Muslims today reading this should take in is that Muslim children were not taken away from their parents while Jewish children were. Why is that? Damião de Góis, a 16th century Portugese philosopher, stated that, (underlining is mine):

> "…it must be borne in mind no harm could result to Christians if they took away the children of the Jews. Jews are scattered all over the earth, and have no country of their own…and so they lack the power and authority to execute their will against those who do them harm and injury. The Moors [Muslims], on the other hand, have…been permitted by Allah to occupy the greater part of Asia, Africa, and a good part of Europe too, and in these places where the Moors [Muslims] have empires, kingdoms and great lordships, their live many Christians who are subject to their tribute…It would have been very prejudicial [harmful] to all these peoples [Christians in Muslim lands] to take away the Moors' [Muslims] children, because those subjected to this harm (agravo) would clearly not fail, after expulsion had been inflicted on them, to seek to execute revenge on those Christians who lived in Moorish (Muslim) territory, and above all to take revenge on the Portugese, (Ibid, 19-20)."

So it was the fear or real, (and not imagined), retaliation that stopped the Portugese from abusing the Muslims, wherein the Jews had no power to retaliate, were abused at will. As we proceed, at about the time of the expulsion, the state of the Muslim Ummah was like that of the Jews, or certainly was approaching that, (as Spain and Portugal's combined wealth and naval power easily matched up with the Uthmani's and the fact that the Christians, at least in the Iberian peninsula, were

united also served as a factor), and as for today, well, that is something apparent which people of understanding understand and need not enquire about.

The Portugese Muslims had to pay an exit toll to leave Portugal across the land border towards Spain. In effect, this migration had the effect of increasing the overall population of Muslims in Castile who were all *Ahl Al Dajn*. This policy would not make any sense, on the part of the Spanish Crown, unless there, "...was some understanding among the Christian rulers that the anomaly thus created would be a temporary one, soon to be rectified by the implementation of the policy of expulsion by where Castile's Muslims are concerned—as did in fact happen, (Ibid, 20)." So clearly, Portugal's policy was perhaps not entirely from the kindness of their hearts, but rather an attempt of gathering all the Muslims in one location, with the understanding of the rulers of Spain, to allow for a more complete and easier expulsion of Muslims from the Iberian peninsula.

With Ximenez's arrival in 1499, things took a turn for the worst for the Muslims in Garnata as Ximinez, not satisfied with the slow speed of progress of converting Muslims by Archbishop Talavera, (and was most certainly against the use of Arabic in Church proceedings), decided to speed up events by torture, destruction of Islamic knowledge and forced conversion. Here, Alvar Gomez de Castro, a humanist, historian and the writer of Ximenez's biography in 1569 says:

> "...Cisnernos [Ximenez] sought to extirpate all Mahometan [Islamic] error from their [Muslims] souls, and did not allow himself to be deflected by those advocating the prudence of proceeding little by little when seeking to eradicate such a deeply ingrained habit. Cisneros considered that such an approach might have its place in matters of little moment, but not when the salvation of souls was at stake. Thus without difficulty, and with no need for decrees or force, he managed to get all the *alfaquies* [Fuqaha] (who were prepared to do him all manner of favors) to bring out into the street the copies of the Koran, that is to say of the most important book of their superstition, and all books of the Mahometan [Islamic] impiety, of whatsoever author or kind they might be: more than five thousand volumes[73] with oranamental bindings, even of gold and silver and of admirable artistry...all were burned together in a great bonfire with the exception of certain works on medicine, a study to which people of that race had always devoted themselves to great effect. These works, rescued from the flames by the merits of the healing art, are to this day kept in the library at Alcala, (Harvey,1992, 333)"

Ximinez's love of works of medicine didn't stop him from harassing *elches*, (Christian converts to Islam), and compelling them to convert. Many writers, such as Alonso De Santa Cruz, stated that Ximinez, "With kind words he persuaded them [*elches*] to return to our holy Catholic faith, (Ibid, 330)." However this account is only partially true, in so far as it applied to prominent Muslim converts, (Ximinez thought if the prominent converts were to convert, their communities would too), but however the majority of his 'handywork' was more like this:

> "...those converted in this way [the way described above] were given assistance by him, and he bestowed gratifications on them: those who refused, he had put in prison, and kept locked up until they were converted...(Ibid)."

[73] This number is deliberately low. Two other Christian authors have cited different figures ranging from 80,000-1,005,000 volumes burnt, (Prescott, 414).

It is safe to assume that Ximenez, with his Crusader zeal, wanted the expulsion of Muslim from Spain and wanted to expunge Spain of anything Islamic starting from the marriage negotiatons for Manuel and Isabel to, now, his provocation and harassment of Muslims. He succeeded in provoking a response and Muslims in *Ribad Al Bayyazin* [Muslim quarter of Garnata] were incensed at these blatant violations of the Treaty of Garnata signed in 1491.

Ximinez had attained permission from the Inquisitor General, Don Diego Deza, to use more aggressive methods to start persecuting and pressuring the *elches* to become Christian by arguing that since the *elches* were Christian once and had converted to Islam, (overwhelmingly before the 1491 Treaty of Garnata), therefore they fell under the authority of the Spanish Inquisition, which had been authorised by Pope Sixtus IV in 1478, (whereas the *mudajjan* who were born Muslim had yet to come under the jurisdiction of the Spanish Inquisition). The results of such persecution were clear, in that, one historians estimate places 300 reverts to Islam in Garnata in 1500, and of them 101 of them were, "…induced to admit their errors and become Christians again, (Harvey, 2005, 27)." In other words, according to the material available, at least a third of reverts had been forced to convert while others 'willfully' converted and of their, "…free will desired to become Christians.[74]"

The event that sparked the violence and the first Al Bushra revolt of 1499 occurred when Sacedo, (a servant of Ximenez), along with Bellasco de Barrionuevo, a royal administrator, arrested a young daughter of an *elche* [Muslim convert].

> "They were dragging her through the plaza of Bib[75]-el-Bonut[76] [one of the main city gates of Garnata]…she cried out that she was to be forcibly baptized…a crowd collected and commenced to insult the alguazil [royal administrator], who was hated by reason of his activity in making arrests; he answered disdainfully, passions were heated and in the tumult he was killed with a paving-stone Sacedo would have shared his fate had not a Moorish [Muslim] woman rescued him and hidden him under a bed until midnight, (Lea, 2001, 32-33)."

The revolt[77] built momentum and Muslims blamed Ximinez as violating the Spanish side of the commitment under the Treaty of Garnata and selected a forty man *shura* to administer the area, (Harvey, 'Muslims in Spain, 1500 to 1614: 1500 to 1614,' 30). They then besieged Ximinez's house, after barricading their areas to close avenues of entry. Ximenez had a guard of 200 men and the fighting went till the next morning, (Lea, 2001, 33). Fighting continued for three days until the Governor of Garnata, Tendilla, had to come to his and *Al Bayyazin*'s rescue. For ten days, Talavera, Ximinez and Tendilla negotiated with the Muslims of *Al Bayyazin*, with the Muslims arguing that "they had not risen against the sovereigns but in defence of the royal faith, that it was the officials who had caused disturbances by violating the capitulations[78] and that everything would be pacified if these were observed, (Ibid)." Archbishop Talavera and Tendilla, through lengthy negotiations,

[74] Peter d'Anghiera stated this ludicrous lie to the Mamluke Sultan and perhaps his colleagues repeated this lie to the Uthmani Sultan as well.
[75] Even today, Maghribi's pronounce Baab, (or gate in Arabic), as Bib.
[76] Actually it was "Baab Al Bunood" which is the 'Gate of Banners' and it was one of the many gates that led into Garnata.
[77] I deliberately do not call it a *jihad* due to its non-religious nature, (from the perspective of known facts), which contrasts with the second Al Bushra revolt which was a veritable *jihad*. That is not to say that all that were present and fighting during this revolt were not fighting *fee sabil Allah*, as some were indeed fighting *fee sabil Allah* as is the case with modern conflicts, (i.e. Mujahideen fighting alongside the Pakistan army to fight the Hindu's)
[78] Ximinez's actions were in violation of clause(s) 26 and 27.

achieved a ceasefire with the Muslims of *Al Bayyazin* by stating that the Muslims would be pardoned for their actions, (which would be considered as a defense of the capitulations). Tendilla promised to honor the treaty capitulations in the future. As a show of good faith by Tendilla, he placed his wife and children in the house next to the main *masjid* of the area while the Qadi in charge of the area, Sidi Ceibona, "…promised to surrender to justice those those who had slain the *alguazil*, which was accordingly done, (Ibid, 34)." Four of those handed over are hung by the Spanish while the others are released, and the Muslims in *Al Bayyazin* put down their arms. However, it soon became clear that this was solely a means of restoring order and that Spain did not intend to abide by this promise. In fact, Ximinez manufactured the pretext he had need to bring not just the Muslim converts under the control of the Inquisition, but also the remainder of the Muslims that were born Muslims. Ximenez explained to the Spanish rulers the *Al Bayyazin* uprising as a rebellion, (and this reasoning would apply to all other uprisings around Spain during the period upto 1502), and claimed that by this the Muslims had forfeited all their rights under the terms of capitulation. They should therefore be given the choice between baptism and expulsion. Isabella and Ferdinand agreed with Ximinez and he began the mass baptism of the population of Granada.

Ximinez arrived in Garnata and offered the inhabitants of *Al Bayyazin* the alternative of conversion or punishment, (Ibid, 35). Along side him, a royal judge (*pesquisidor*), came along to execute the most active 'insurgents' and imprisoned others. However, thankfully for those Muslims in Spain, the speed with which the baptisms were carried out, (and the fact that Ximinez deemed that using Arabic, the only language the inhabitants knew, in preaching was like 'casting pearls to swine [pigs]'[79]), meant that there was no time in which to instruct Muslims of the fundamentals of Christianity, so that inevitably most of the new converts became Christian only in name. The Muslims of Andalus sent a plea for help in the form of a *qaseedah* (which is almost the same, save a few changes, as the *qaseedah* sent to the Uthmani Khalifa Bayazid in 1502, included in Appendix O), to the Mamluke Sultan in the early half of 1500, (Koningsveld & Wiegers, "An appeal of the Moriscos to the Mamluk sultan and its counterpart to the Ottoman court: Textual analysis, context, and wider historical background," 187). However prior to this letter, Ibn Al Azraq, the Chief Qadi of Garnata had visited Cairo as part of an official delegation to the Mamluke sultan, Qa'it Bey at toward the end of the 15th century, (the date is not certain, but can be ascertained between 1492-1496, prior to Ximines reign of terror). Imam Maqri refers to Ibn Al Azraq's mission as something totally unattainable, (or in Arabic *Bayd Al Anuq* which refers literally to an egg of a type of vulture, for some reason, proverbial for its rarity, but figuratively, as something that is practically unattainble), (Manuela, 'Handbuch Der Orientalistik,'205).

At around the same time, the Muslims that remained in Andalus were faced with tough choices. They could, if they were able to, leave the land of their birth and ancestors to flee *kufr* rule and oppression, or they could stay and fight and resist till the death while asking for diplomatic intervention by the Uthmani and Mamlukes on the part of the oppressed Andalusi Muslims, while the remainder opted for the approach of hiding their *deen* while appearing to be Christian. Contemporary Moroccan author Muhammad Al Talib Ibn Al Haaj Al Sulami in his book *Riyaad Al ward fima' ntima ilayhi hadha l-jawhar al fard*, a book about his ancestors, commented (emphasis are my comments):

[79] Ximinez meant by this that, as Henry Lea explains, "…it was the nature of the vulgar to despise what they could understand and to reverence what was occult and mysterious, (Lea, 35)." He meant that Muslims were lying about not understanding preaching in Castilian.

> "Allah Almighty had ordained that after they [**Andalusi emigrants**] had arrived at Fes [**Fez**], the people were afflicted by severe starvation, a rise in prices, and the plague. Some of them even returned to their country [**Andalus**]. They informed [those who had stayed behind] about the hardship, so that those who had wanted cross [the sea] became reluctant to do so. When the Tyrant saw that, he started to break the capitulations, one after another, until he had broken them all. The inviolability of the Muslims had come to an end and they were subjected to disgrace and humiliation. Heavy fines were enforced upon them and they were deprived of the prayer–call [***adhaan***] from the minarets. He ordered them to leave Granada for the outlying districts and villages. So they left, in degradation and abasement. Then, in the year 904 [1498] he gave the choice between conversion to Christianity or death. He gave them a month [to make their choice]. On this occasion, they split up into three groups. One group said: '*We shall defend our children to the death*.' Another group said: '*We shall leave with our children for a high mountain* [***Al Bushra***] *where we shall fortify ourselves. We shall send our messengers to Sultan Abu Yazid Khan Sulayman Al-Uthmani to ask him for help*.' A third group said: '*We shall hide our religion and take care of the [proper education] of our children*.' Then these groups were separated [from each other]. The first group fought until all of them died. They were exterminated and their women and children were taken captive. The second group committed apostasy outwardly, while hiding their *Islam* untl they died. Their children grew up in Unbelief [***Kufr***]…(Koningsveld & Wiegers, "An appeal of the Moriscos to the Mamluk sultan and its counterpart to the Ottoman court: Textual analysis, context, and wider historical background," 162-163)."

Although Ibn Al Haaj is not entirely correct in some places, (i.e. royal pressure to convert or be punished/executed began in 1499/1500), he lays out the main factions in Andalus at the time and their motivations. By 1500, it is estimated that between 50,000 and 70,000 Muslims were forcibly baptized in the mass baptism of Granada by Ximenez, (Lea, '2001,' 36). It is not known how many were deported to Africa, but more likely than not, it was low due to the difficulties in procuring transport and reaching port, but also because the Muslims were not prepared to relinquish their kingdom so easily. While this crisis brewed, the Spanish Crown continued the Archbishop Talavera's approach to handling the crisis by writing to Juan de Andres, a *murtad* who had been a faqih in Jativa, to compose a work by which they could convert the Muslims of Garnata to Christianity by exposing the apparent fallacies and weak points of Islam, (which they believed Juan could do since he was, after all, a *faqih*). Ferdinand and Isabella wrote to him thus:

> "You will be aware that the Moors [**Muslims**] of the city of Garnata have converted to our holy catholic faith. Because very few of them can speak any language except Arabic, and because there are no churchmen who know Arabic , the said converts can not well instructed in the matters of our faith, and there exists a great need, especially now at the outset, of churchmen who know Arabic, so as to instruct the newly converted. Because we are aware that you know Arabic, and that with your learning and preaching and good example you could be of great benefit to them, we therefore ask you, and charge you, that, seeing how much thereby Our Lord will be served, you should prepare to come and stay some time in the said city, so as to render service in the aforementioned way, (Harvey, '2005,' 34)."

As other conquerors before them, the Spanish hoped that converting the elite of the conquered society, they would be able to control and defeat the vanquished population. Although this attempt was, for the most part, unsuccessful, it does indicate that not only were the Spanish in synchoronization with what was required to win their war, (i.e. Islamic justification for obedience to a Christian ruler, and eventual apostasy to Christianity), but that Muslim scholars and nobles were

collaborating with the Spanish. If one were divide these traitors into categories, you would find in most cases:

1. Traitors and collaborators who were part of the Muslim Nobility of Garnata, (before it capitulated)
2. Opportunists who would do anything to gain power and/or money.

One such group was the Mora family, who were from Tulaytola, (Toledo), and were *mudajjan*. One of their group, Yusuf Mora, was appointed as *amin*[80] of the government controlled silk market in Garnata in 1497. Subsequently he was listed as having converted to Christianity in Garnata in 1500, and continued at his post, (Ibid, 39). It has to be assumed that he was used by the Spanish government to persuade others of his community to convert, due to his stature and that he was a Muslim previously. Another of the same variety is the example of Yahya Bin Ibrahim Al Fishtali who was a trader and a financier and converted arouned 1499/1500, and was renamed Fernando de Morales, (Ibid). Yahya was a tax collector for taxes placed upon the Muslims by and for the Spanish crown, but also ran side business such as property, money lending and import-export. In 1508, in partnership with Spanish luminaries such as Hernando de Zafra[81] and Francisco de Cobos, he was involved in importing leather from Morocco, (Ibid). In fact overt support by the Spanish government of this man did not cease, and when Christians, that were incensed that a former Muslim had attained such a high government post, tried to get rid of him. Who came to his aid? None other than the King of Spain himself, as he issued a document that confirmed Fishtali's position and reaffirming his place on the city council!, (Ibid, 39). The Christians continued to unemploy Fishtali, but he remained getting support from the Spanish King, as was the case in 1511, where the King threatened to fine the city government of Garnata 1,000 Doblas, (which is an immense amount), if they attempted to remove Fishtali! (Ibid). Truly, in the midst of the inquisitorial courts, forced conversions and Christian suspicion of Muslim converts to Christianity, Yahya Fishtali, (or rather Fernando de Morales), was being aided by the King of Spain himself and Spanish nobles! That too against old Christians[82]! Certainly, at least in this case, we can easily assume that the Spanish government valued the cooperation of this collaborator and, as one scholar said about his relationship with the Spanish Crown:

> "It is unlikely these were exclusively financial, and perhaps his role as spokesperson for the new converts was understood as providing a desireable channel through which new convert opinion could be monitored and controlled, (Ibid, 41)."

Yahya's role is much the same as our Muslim elite and rulers of today who serve to dictate the agenda of the western crusader forces through a more easily acceptable Muslim face and name, (one needs only look towards Pakistani, Indian and Saudi *ulema* who are now issuing decisions that, if a Christian had said it, the people would have been incensed by it). Another fact it indicates is that Muslims had to increasingly rely on these traitors for leadership and a 'voice' at the decision-making table. Their desire of the 'voice' at the table was a result of their oppression and slavery to the Christians, which took away their weapons and right to resist, and in the end they had to ask and beg their torturers and enemies for concessions and favors. Only those Muslim traitors who were high enough traitors, and thus part of the city and province leaderships, were available to the Muslims.

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[80] Or *Muhtasib* or market regulator

[81] The former secretary of Isabella and Ferdinand, whose name can be found at the bottom of the Treaty of Garnata which is included in the appendices

[82] Those that had been Christian before the fall of Garnata.

This is a warning to Muslims in the west, (especially to those in American and Britain), that joining the political system will get you a voice at the 'table,' but have you ever asked what the criteria is to join that 'table'? and what state do you, as Muslims, have to be in to be asking the very same people that gleefully bomb your brothers in the *deen* in Afghanistan, Iraq and Pakistan, to stop bombing? Is it not like one who asks rapists who are raping your wife and daughter in front of you, in a polite way, "please, I would like it if you could stop raping my wife and daughter and if you decided you don't want to stop, that is alright as well." May Allah guide you and us away from this calamity and this perverse mindset.

A further example of these treacherous criminals was when, in September 1500, the leaders that led Muslim fighters in the eastern region around Almeria were in talks with the Spanish to lay down their arms on their conditions. Zulema [Sulayman] 'el Baho,'the leader of the rebels stated that in return for him being made the administrator of Almeria, (a position which would be inherited by his children) and an annual payment of the whopping sum of 12,400 Murabit's.[83] In return he agreed to, not only end hostilities, but "…agreed himself to become a Christian (with a change of name at baptism—he became Francisco de Belvis), but, what was more, he backed the policy of conversion of all peasant cultivators in the surrounding countryside, (Ibid, 37)." Some may argue that they were only pretending to convert, and although it is entirely possible, one has to wonder why, (if he is indeed clear of wrongdoing and an Allah fearing Muslim), he asked for a giant annual payment and control over Almeria? Similar deals were struck with the administrators/governors of the villages of Pechina, Benahadux, Rioja, Tabernas,[84](Ibid, 38). However, unfortunately for these traitors, the Muslim youth, those firm pillars and protectors of the ummah, who had been fighting the Spanish, and were at that time in their villages, were outraged at the treachery of these men, (when these leaders arrived back in their villages at the end of September), and decided to go back to the mountains to continue the guerilla war, (ambushes and raids), inspite of their treacherous leaders orders not to, (Ibid).

It is not too different in comparison with today, where numerous Muslims scholars on a variety of Arabic entertainment channels and news networks, (and even government scholars, if it is even possible to be called a scholar after having pledged to uphold the rule of the ruler over the Truth), have prominent slots on these channels to give rulings justifying the 'modernization,'(synonymous with westernization), of the ummah and the cessation of 'wrongful use of violence in the name of religion,' (synonymous with *jihad*).

As the resistance to conversion continued primarily in the mountainous Al Busharaat [alpujara] region, King Ferdinand decided to speed up the process by "…issuing a general pardon to all *conversos* [apostates from Islam] for crimes committed prior to baptism…(Lea, '2001,' 37)," thus giving people incentive to become Christian. In addition, on January 27th 1500, (the pardon for the *conversos* was given a month later in Febuary 26th), King Ferdinand wrote to Muslim notables that all reports of forced conversions were false and that none of them would be baptized under compulsion if they surrendered, (Ibid, 38). The Muslims finally understood that Christian proclamations were worth less than the paper on which they were written on and ignored Ferdinand and continued their resistance. In turn, Ferdinand gathered a large army to put down the revolt in March 1500. In the rugged terrain, whenever one uprising was suppressed, another started elsewhere,

[83] Gold dinars that were first minted by the Murabitun, but were in wide circulation in Western Europe, (by that I don't mean the actual coins minted by the Murabitun, but rather the gold purity ratio used by the Murabitun was applied by quite a few western European countries), The approximate rate of exchange of was 1 Spanish Real= 34 Murabit's
[84] These were all villages in the vicinity of the Al Bushra mountain range.

(a lesson that they would learn once more in the Al Bushra *Jihad* in 1568), and Ferdinand spent almost a year, wherein, by January of the following year, did the uprising quell and his army was disbanded.[85] Alongside military operations, Ferdinand sent his equivalent of 'psychological operations' teams to the subdued areas in the form of missionaries to teach the Muslims, now officially Christian, Christianity. However, that doesn't mean Ferdinand was in any way gentle, as in the town of Andarash (Andarax):

> "…the principal mosque, in which the women and children had taken refuge, was blown up with gunpowder. At the capture of Belfique [**Billifiqa**] all the men were put to the sword [**killed**] and the women were enslaved, while at Nijar and Guejar [Waljar] the whole population was enslaved, except children under eleven,who, however were delivered to good Christians to be brought up in the faith—energetic proceedings…led to the baptism of ten thousand moors [**Muslims**] of Seron, Tijola and other places, (Ibid, 38-39)."

In fact, Alonzo de Santa Cruz[86], states that in the main *masjid* of Andarash, "…there died more than six hundred women who had taken refuge there…(Manuela, 'Handbuch Der Orientalistik,' 209)," in which, the number given also includes within it, children, (Harvey, 'Muslims In Spain: 1500 to 1614,' 36). In addition, at Andarash 3000 prisoners were taken and were all summarily slaughtered, (Ibid).

By January 14th, 1501, the revolt was suppressed and Ferdinand disbanded his army. However, the Muslims of Randa, (Ronda), and Sierra Bermeja, (a mountain range in the southwest part of Maalaqa), heard the news of the massacres at Billifiqa and Andarash rightly assumed that they would be forced to become Christians if they were captured, and thus decided to rise up and fight Spanish forces in their areas while resisting the local Christians whom had been raiding their lands since the fall of Garnata. Ferdinand issued a proclamation that "all who would not be converted must leave the Kingdom [of Castille] within ten days, and care was enjoined that converts should be well treated and that emigrants should be protected from harm, (Lea, '2001,' 39)." In spite of the offer, the Muslims of Randa and Sierra Bermeja did not surrender and retreated towards the mountain to fortify defensive positions. The Muslims of Randa were the first to fall, and Febuary 23rd, Ferdinands army departed Randa towards Sierra Bermeja under the command of Captain Alonso De Aguilar, one of his most distinguished commanders. It was assumed that the Muslims would give a fight, (due to their mountainous defensive positions), but that the battle would be quickly won and thus on March 16th, Spanish forces stormed the Muslim stronghold. In spite of the overwhelming size of the Spanish force, there were not able to take it due to the greed of Spanish soldiers, who, for the most part, volunteered for this mission to attain spoils from the Muslims. In fact after the soldiers had attained their share of the spoils, "…the pillagers fled leaving Aguilar with a handful of men at nightfull to be surrounded and slain…(Ibid, 40)." Ferdinand and his court were shocked at the defeat of their force by such a small force, and the death of one of their best generals and attempted to increase the pressure on the Muslims of Sierra De Bermeja, knowing full well that overwhelming military force could not negate the advantage of the mountainous terroritory controlled by the Muslims. One is reminded of Allah (سبحانه و تعلى) saying:

[85] It must be remembered that the concept of a large permenant standing army is a relatively recent concept, wherein, uptil the 17th Century CE, European armies especially relied on conscription. Armies were created for campaigns as opposed to making soldiery a profession in European feudal society.
[86]

﴿كم من فئة قليلة غلبت فئة كثيرة باذن الله والله مع الصابرين﴾

How often has a small group overcome a mighty host by Allah's leave And Allah is with As-Sabirin (the patient)[87]

In a position of strength, the Muslim opened up negotiations to allow themselves to leave Andalus to the Magrhib or wherever else they choose. Ferdinand, in a calculated move, offered "…that all might go who could pay ten doblas for the passage, while the rest, who constituted the majority, should stay and be baptized, (Ibid, 40)." Thus in May of that year, Muslims from Randa and Sierra de Bermeja laid down their arms, and those that could afford to leave, left unharassed. However those that could not afford to leave, stayed behind, waiting to be converted by force and to come under the authority of the Spanish inquisatorial courts. To take away the legal right of bearing arms and to avoid any further resistance, the Spanish Crown issued a royal edict on September 1st of 1501 which forbade the Muslims from bearing arms publicly or secretly with the first offense resulting in two months imprisonment, while a second offense led to a death sentence, (Ibid, 41-42).[88] In terms of the capitulation agreements that were being signed with rebel villages and towns, they are very interesting to study because they reveal the seimic changes that were taking place in Muslim society in Spain. Here is an example, (in summary), from Febuary 26, 1501 for the village of Balsh Rubio, (Velez Rubio) with commentary, (comments are marked with italics):

"

1. The townsfolk were to be freed[89] from 'Moorish dues[90]' (derechos Moriscos), meaning those set out in Islamic law, on condition that they agree to pay standard Christian tithes[91] and first fruits[92] (diezmo y primicia)…
2. The people of the town are subject to the laws of the kingdom. *The object of this clauseis obviously to bring an end to Islamic law, although that is not mentioned explicitly. It seems also to be intended as a protection against vexatious litigation ("so that they are not to be troubled [fatigados] with lawsuits"). There is no conflict of jurisdictions. The old is replaced by the new.*
3. Travelers are to seek accommodation in lodging houses, (*mesones*), and not in the houses of the alguaciles[93] nor 'in the houses of those who were converted against their will.'
4. The income from Charitable foundations should all be devoted to relief for the poor, ransoming of captives, and highway repairs. *This clause is clearly dealing with what had been the important Islamic institution of pious endowments*[94]*…It is intended to*

[87] Surah Baqarah, Verse 249
[88] This edict was repeated in 1511 and 1515 which indicates that Muslims were not giving up their weapons and that the Spanish were, until at least 1515, unsuccessful in their attempts to confiscate arms.
[89] In other words they repealed the shariah based economic code that had functioned more or less till that point. It is interesting that the 'freed' was used instead of just getting to the point and saying, 'deprived,' or perhaps "The Muslims taxes are abolished and in its place, Christian laws will be implemented"
[90] i.e. Shariah ordained, (and other taxes that are not shariah ordained that were relics left from the Nasrid government of Garnata's tax code), land taxes and zakat among others, due to the *Bait Al Maal*, (or in this case the spanish treasury).
[91] taxes
[92] Usually a portion of the profits from the first harvest of the season.
[93] Town or village governor/administrator. From the Arabic: Wakeel.
[94] Awqaaf

make sure that such local charities were to continue to be available for local use and not misappropriated for private benefit.

5. Crimes (culpas e escesos), committed before this capitulation that were committed before this capitulation came into force were to be pardoned.
6. To call anybody 'Moor' or 'renegade[95]' (tornadizo), became a punishable offense.
7. The townsfolk may have their own butchers and fishmongers as before, but they were to slaughter in the Christian fashion.
8. They were not to be forced to buy new clothes until the old ones had worn out…
9. They were to be allowed 'without any impediment' to move elsewhere in Christian territories. (*This, ofcourse,is not permission to emigrate to North Africa).*
10. Clergy were to be appointed to teach them the Catholic faith
11. All legal documents drawn up in Arabic by their alfaquis [**Fuqaha**] and cadis [Qadi's] were to be regarded as just as valid as documents drawn up by their 'our notaries public.'(*On careful scrutiny, this clause says nothing on the subject of the use of Arabic in the courts in the future, when, ofcourse there would be no Islamic officials available to elucidate these 'equally valid' legal instruments).*[96]
12. The townsfolk would not be obliged to perform labor on public works unpaid; they were to receive the same daily rates as Christians.
13. Baths were permitted.

(Ibid, 70) "

It would seem from these documents, the only choices the Muslims had were:

1. Remain in Spain and apostasize to Christianity
2. Remain in Spain and refuse baptism and become a slave
3. Or leave to the Maghrib or elsewhere in the Muslim world, (which was extremely hard, if not impossible, and made those who left leave all their possessions behind, or that which they could fit in small boat, which is barely anything).

As proof of the enormous danger and obstacles in the path of potential *muhajireen*, (emigrants) from Spain, records survive of two small fishing villages, Turre and Teresa, near Almeria who, in 1501, decided that the time had come for them to leave the country. They had made arrangements with Berbers across in Morocco to provide transportation across to Morocco. However, both villages decided to strike the neighbouring Christian village of Mojacar, (who were naturally their enemies), prior to leaving. "With the aid of their Berber rescuers…the people of Turre stormed Mojacar's fortifications, but the assault ladders…were cast down from the walls by the…defenders. In consequence, the planned embarkationin boats brought acrossfrom Africa by the Berbers became a rout and massacre, (Ibid, 48-49)." The local Christian Militia killed or enslaved the raiding party and the villagers of Turre. However the villagers from Teresa were more fortunate, and managed to escape.

At around this time, the Spanish government hearing rumours of preparation of retaliation[97] on behalf of the Muslims of Andalus by the Mamlukes, (Sultan Al-Ashraf Qansuh al-Ghawri), thus

[95] Converts to Islam. i.e. former Christians.
[96] In other words, old legal documents that had been in force prior to capitulation of Garnata, were to continue to be in force till there were no Qadi's or Fuquha to interpret them. This implicitly is the ban on Arabic in official documents.
[97] The Mamlukes had sent an envoy to Spain in 1501 to inquire about the condition of Muslims under the control of the Spanish

sent Peter the Martyr[98] as an emissary to ease tensions and seek assurances that Christians in Mamluke lands would not be harmed in retaliation. During the discussions, the violations of the Treaty of Garnata were discussed, especially the articles concerning the promises by the Spanish not to compel people into Christianity. Peter the Martyr replied by saying that those allegations were not true as:

> "…the Moors [Muslims] of their own free will desired to become Christians. They had disturbed the peace (*alborotado*) of the whole kingdom of Granada, and had risen against the Christians among whom they were living, killing many of them. For this reason they deserved the death penalty, and the Catholic Monarchs conquered them for a second time, and brought them to such a pass that they had been obliged to sue for mercy. This had been granted to them on the condition that those who wished to continue to reside in the kingdom should become Christians, and those who did not wish to do do should cross to Africa, (Manuela, 'Handbuch Der Orientalistik,' 206)."

Peter continues by explaining to the sultan that the contrary was true, that Spain took care of its *mudajjan* population:

> "most of the Moors [Muslims] lived quite peacefully among the Christians, having their own mosques, riding their own hourse with their own lances and other arms. They were dealt with as justly as were the Christians, (Ibid, 207)."

Due to the political volatility in Mamluke *Misr*, and its weakness, the Mamelukes dropped any pretense of retlaliation. The Muslims in a last ditch effort to attain aid, (in the wake of Peters visit to the Mameluke's), and save themselves from the clutches of the Christians and the Spanish inquisition, wrote to Bayazid, the Uthmani *khalifa*[99]:

سلام عليكم من بنات عواتق   يسوقهم اللباط قهرا لخلوة

سلام عليكم من عجائز أكرهت   علي أكل خنزير ولحم لجيفة

- "Peace be upon you on behalf of some young girls whom the priest drives by force to a bed of shame;
- Peace be upon you on behalf of some old women who have been compelled to eat pork and flesh not killed according to ritual prescriptions."

The Andalusi's disagreed with Peter d'Anghiera's assessment that Muslims had of their "…free will desired to become Christians," by pleading to the Khalifa:

غدرنا ونُصِّرنا وبُدِّل ديننا   ظلمنا وعُوملنا بكل قبيحة

---

98 Peter Martyr d'Anghiera was an Italian-born historian of Spain and of the discoveries of her representatives during the 'Age of Exploration.' He wrote the first accounts of explorations in Central and South America in a series of letters and reports, grouped in the original Latin publications of 1511 to 1530 into sets of ten chapters called "*decades*." His *De Orbe Novo* (published 1530; "On the New World") describes the first contacts of Europeans and Native Americans.

99 The whole Qaseedah/Ode is in Appendix O

"We have been betrayed and converted to Christianity; our religion has been exchanged for another; we have been oppressed and treated in every shameful way."

And that:

وقد بلغت ارسال مصر إليهم   وما نالهم غدر ولا هتك حرمة

وقالوا لتلك الرسل عنا بأننا   رضينا بدين الكفر من غير قهرة

وساقوا عقود الزور ممن أطاعهم   ووالله ما نرضى بتلك الشهادة

لقد كذبوا في قولهم وكلامهم   علينا بهذا القول أكبر فرية

- " The envoys of Egypt reached them and they were not treated with treachery or dishonor[100]
- Yet [the Christians] informed those envoys on our behalf, that we had voluntarily accepted the *deen* of *kufr*.
- And they brought out some [token] conversations to idolatry, of those who had submitted to them; yet, by Allah, we wil never accept that declaration of faith!
- They have lied about us with the greatest of falsehood in their words and arguments in saying that."

The poet continued listing out the violations of the Christians, in case the Khalifa was in any way in confusion about the state of the Muslims in Andalus:

فلما دخلنا تحت عقد ذمامهم بدا   غدرهم فينا بنقض العزيمة

وخان عهودا كان قد غرَّنا بها   ونصَّرنا كرها بعنف وسطوة

وأحرق ما كانت لنا من مصاحف   وخلَّطها بالزبل أو بالنجاسة

وقد أمرنا أن نسبَّ نبينا   و لا نذكرنه في رخاء وشدة

---

[100] Some emissaries from Mamluk Egypt were sent to Spain in 1501 after the Egyptian Sultan had been urged to interfere on behalf of the Morisco's. They informed the Spanish monarchs that if the Moriscos were forced to convert to Christianity, the Mamluk Sultan would retaliate by persecuting the Christian populations of his realm.

وقد بدِّلت أسماؤنا وتحولت	بغير رضا منّا وإرادة
فآها علي تبديل دين محمد	بدين كلاب الروم شر البرية
وآها علي تلك المساجد سوِّرت	مزابل للكفار بعد الطهارة

- "When we came under their treaty of protection, their treachery toward us became apparent for [he] broke the agreement.
- He broke the compacts he had deceived us with and converted us to Christianity by force, with harshness and severity,
- Burning the copies of Quran we had and mixing them with dung or with filth.
- And they ordered us to curse our Prophet and to refrain from invoking him in times of ease or hardship.
- Our names were changed and given a new form with neither our consent nor our desire.
- Therefore, alas for the changing of Muhammad's religion for that of Christian dogs, the worst of creatures.
- Alas for those mosques that have been walled up to become dung heaps for the infidel after having enjoyed ritual purity."

He pleads the Sultan to ask the deceptive Spanish envoys:

فسل وحرا عن أهلها كيف اصبحوا	أسارى وقتلى تحت ذل ومهنة
وسل بلِّفيقا عن قضية أمرها	لقد مُزِّقوا بالسيف من بعد حسرة
ومنيافة بالسيف مُزِّق أهلها	كذا فعلوا أيضا بأهل البشرة
وأندرش بالنار أحرق اهلها	بجامعهم صاروا جميعا كفحمة

- "Then ask Wahraa [Huejar][101] about its inhabitants: how they became captives and slaughtering under [the burden] of humiliation and misforture.
- And ask Billifiqa what was the outcome of their affair: they were cut to pieces by the sword after undergoing anxiety.
- As for Munyafa, its inhabitants were surrendered by the sword. The same was done to the people of Al Bushra.
- As for Andarash, its people were consumed by fire. It was in their mosque that they all became like charcoal."

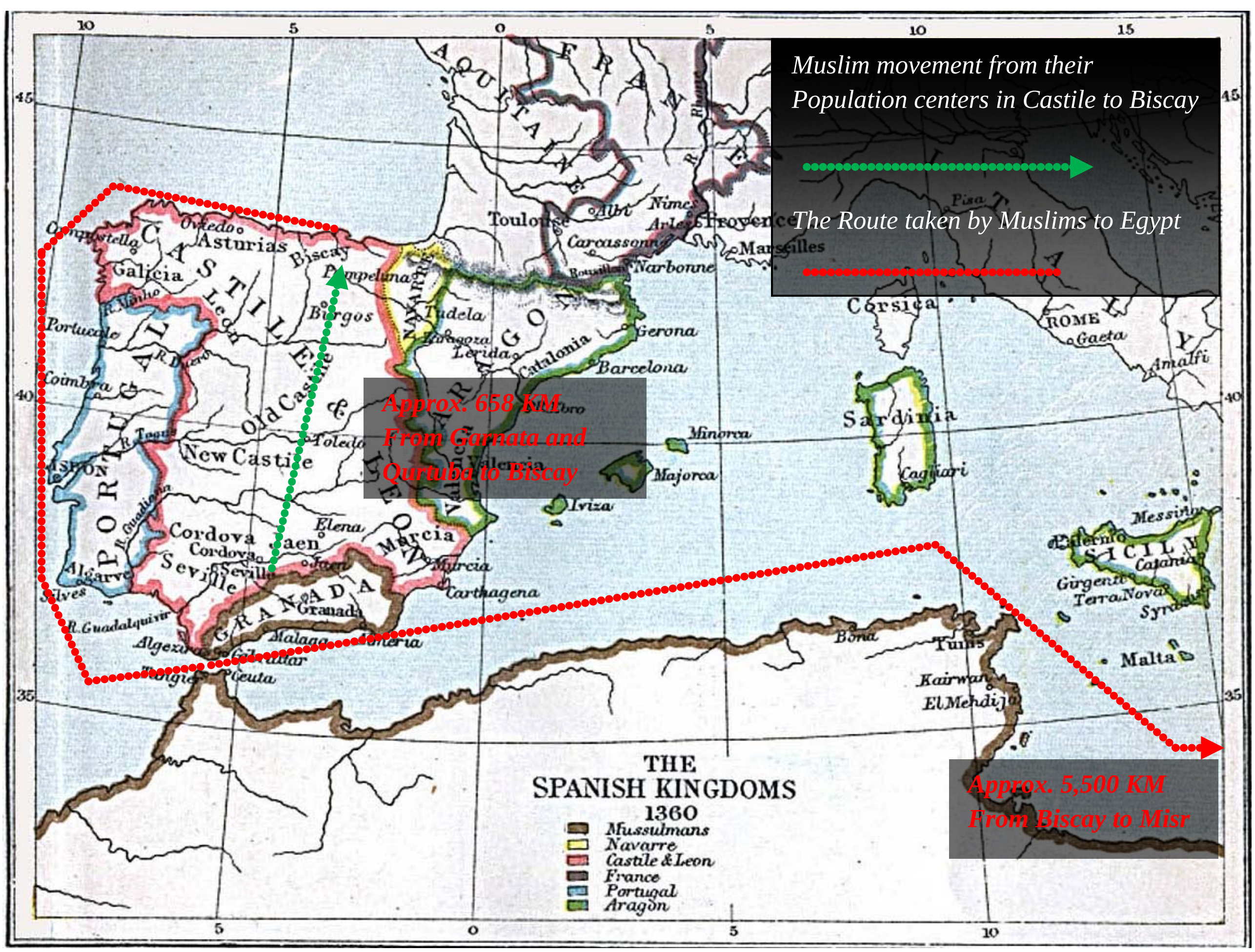
Yet, nothing of this reponse came in terms of action. The Spanish continued their vicious cleansing of Castile, (soon to be followed by the rest of Spain). May the mothers of those that sat and

[101] Wahra was a town where rebellion was suppressed by Christians in 1501. All inhabitants massacred

watched and did nothing to aid their Muslim brothers, be bereaved for the day they were born! In fact, may our mothers be bereaved for our cowardice, our perverted impulses to alter the *deen* of Islam according to our desire, and our inability, nay! Our desire to help our Muslims brothers, not just in a country or a specific area of the world, but rather, around the world, that are oppressed day and night!

The final blow was struck by the Spanish royals when they issued, on Febuary 12, 1502, an edict which stated that all Muslims in Castille, (i.e. those remaining who had not been forcefully baptized already), remaining in Castille, (which consisted of the province of Castille and Leon), were to be forced to convert to Christianity. Those wishing to leave the kingdom had until the end of April 1502 to leave the kingdom, (either overseas or to, in quite a few cases, Arghun). However the criteria for who could leave betrayed Christian plans as “males over the age of fourteen and females over twelve…(Lea, ‘2001,’ 44),” were allowed to leave while male children under fourteen and females under 12 were to retained in Spain to be raised as Christians. Muslims were allowed to take freight with them, (which included their possessions), with the exception of gold and silver and other prohibited items, (e.g. such as weaponry). So, not only did the Christians expel the Muslims from their own land, kill them, torture them and forced them to become Christians, but they also took away their children to raise them as Christians while robbing them of their wealth at the same time. However there was more in store for the Muslims, as the expulsion order was a farce in all but form, since:

a) They could only sail from the ports of the Bay of Biscay, (which, as I will illustrate below, was an absurd demand that would only be done to facetiously claim Spanish freedom of exit for the Muslims while in reality it was nothing but a ruse).
b) They could not go to the neighbouring kingdoms of Navarre or Arghun
c) And since the Spanish were at war with the Muslims of the Maghrib and the Uthmanis, the only realistic place offered for them to leave to was *Misr*[102], or any land other than that



In other words the Muslim had to travel an approximate 650 kilometers over land in approximately 72 days, while then traveling an arduous, and totally needless, 5500 kilometers by sea to Misr, (couldn't the Spanish Crown have allowed Muslims to leave from Murcia? Or perhaps Al Meria, (Almaria)?). After calculation, that would mean the required speed for anyone wanting to leave Spain, especially those in the south near Garnata and Qurtuba, was 9km a day (walking without any breaks, with baggage, and no sleep!). More realistically, if were to suppose, that an average human could march for 18 hours, then the required pace would come up to approximately 14 km a day! This was a pace that most people without children or luggage could not manage, let alone people trying to, quite literally, move their lives from Spain, elsewhere.

An interesting note is necessary here concerning the province of Arghun. As was discussed earlier, the order for the forced conversion of the Muslim *Mudajjan* came in 1523-1526, almost 25 years after the order to convert Muslims in Castile. So, one has to ask, 'why did it take that long to implement the order to convert Muslims in Arghun?' The reason was probably two fold. Firstly, it would seem that Ferdinand realized, that through extensive contact with Christians and mingling with them had the Muslims Arghun become loyal subjects of Spain and weaker in their Islam. Therefore, it was unnecessary to convert them, yet. Ferdinand rightly believed that the *Ahl Al-Dajn* in Arghun, (who had already been living under the Christians under their protection for over 100 years or more), would not rebel as the Garnatans did, and thus Ferdinand could focus his efforts on extending his crusade into the Maghrib against the coastal Muslim states, (which they did when the Spanish attacked Algiers first in 1529 among multiple campaigns that would follow over the decades). Some Arghuni Muslims were suspicious of Ferdinand's promises of not interfering with their *dhimmi* status and prudent decided to leave to the Maghrib in 1502. However, since open emigration was forbidden, they choose to use private ships, that either belonged to the Uthmanis or Maghribi Muslim privateers. An example of this is found in Valencia when "...170 inhabitants of Altea fled in 'Turkish' ships one night in 1502, (Harvey, '2005,' 88)."

Additional conditions were that the Muslims were never to return to Spain under penalty of death, and if after the deadline, (end of April 1502), people were found to be harboring Muslims, they would have all their belongings confiscated, (Ibid). The illusion of choice presented to the Muslims justified the forced conversions of Muslims as, the Christians claimed, that Muslims were offered the option to leave (however unrealistic), and thus anyone converted to Christianity after the April deadline would have converted willingly. On September 17th 1502, Queen Isabella issued an edict ordering, those Muslims that remained in Spain, that they could not sell their property for two years or leave the kingdom of Arghun, Valencia or Portugal except by land, wherein they would have to leave a security, (e.g. sum of money) as guarantee to return as soon as they are finished with their business, (which made them leave Castile), (Ibid, 46). The intent of not allow transport by sea and asking them for security deposits was to stop and discourage Muslims escaping from Spanish tyranny to the Maghrib or elsewhere. This event marked the end of an official and apparent presence of Islam in the Iberian Peninsula after a presence of 791 uninterrupted years. A student of knowledge recounted, in a text written in Ajamiyya, (aljamiado), that Yusuf [Yuce] Benegas, a Muslim scholar and a Morisco who lived in Spain during the 16th century CE, said to him:

> "My Son I am aware that you know nothing of the affairs of Granada, so, if I call them to mind, do not be shocked by what I tell you, for there is not a single moment when they do not reverberate within my heart. There is not time, no hour, when I do not feel the pain deep within me. I have read the *timola* [Talmud?] of the Jews, and *Faraida* [Eneida?] of the pagans, and other accounts of great losses and sufferings. It was all very affecting, and they all wept for what they had lost, but in my opinion nobody has wept over such misfortune as

> the Sons of Granada. Do not doubt what I am saying, because I am one of them, and I was an eyewitness. With my own eyes I saw the noble ladies mocked, widows and married women alike, and I saw more that three hundred maidens put up to public auction.[103] I do not want to tell you any more about it all, for it is more than I can bear. I lost three of my sons, who all died in defence of the faith [deen], two of my daughters, and my wife…(Manuela, 'Handbuch Der Orientalistik,' 309-310)

He continues his lament by explaining, (emphasis indicated my comments):

> "Son, I do not weep over the past, for there is no way back, but I do weep for what you have yet to see, if you are spared, and live on this land, in this peninsula of Spain. May it please Allah, for the sake of the nobility of our Koran, that what I am saying be proved empty words. May it not turn out as I imagine. Even so, our religion will so decline that people will ask: What has become of the voice of the muezzin? What has become of the religion of our ancestors? For anybody with feelings it will all seem bitter and cruel. What troubles me most is that Muslims will be indistinguishable for Christians, accepting their dress, and not avoiding their food. May Allah [**Allah**] grant that at least they [**Muslims**] avoid their [**Christians**] actions, and that they do not allow the [Christian] religion to lodge in their hearts…
> …If now after such a short space of time we appear to have difficulty in keeping our footing, what will those in years to come do? If the fathers scant the religion, how are the great grandchildren to raise it up again? If the King of Conquest [**King Ferdinand**] fails to keep faith[104], what are we to expect from his succesors? I tell you more, my son that our decline will continue. May His Holy Goodness direct His pity towards us, and support us with His divine grace, (Ibid, 310)."

Events In Andalus After 1502:

Muslims now came under the jurisdiction of the Holy Inquisition, and in fact, can not really be said to Muslims in the sense that we can not be sure that of those that converted, how many were pretending, and how many really did apostasize, (thus, the usage of the word Morisco will now be increasingly used to imply those former Muslims that were now Christians). As for the inquisition it had started in Spain in 1478 CE, prior to the conquest of Garnata.

The Inquisition had started in Europe as movement to check against numerous heresies and sects that were spreading around such as the Cathars and later on the Protestant reform movement led by Martin Luther. In Spain however, these aims were kept in mind, but the real focus of the Inquisition in Spain was to eliminate the Muslim 'heresy.' The unique fact about the Spanish inquisition was that the inquisition in their territories fell under the authority of the King and Queen of Spain and not under the Pope, thus eliminating any interference that might jeopardize Spanish internal affairs, (it is also indicative of the strength of the Spanish government that they could dictate terms to the then mighty Papal authorities in Rome). In 1526, after the forced conversions of the Muslims of Arghun, the Spanish government went a step further and gave the Spanish inquisition

[103] as slaves
[104] i.e. keep his word

authority over Muslims as well. The reasons for establishing the inquisition are multifaceted, ranging from the Spanish desire to maintain religious homogeneity in their domains to generating income for the kingdom by way of confiscations of property and wealth.

The procedures of the inquisition would start with *Edicts of Grace*, where people would be invited to step forward to confess their heresy, and to denounce other 'heretics.' Following the Sunday mass, the Inquisitor would proceed to read the edict: it explained possible heresies and encouraged all the congregation to come to the tribunals of the Inquisition to "relieve their consciences". They were called *Edicts of Grace* because all of the self-incriminated who presented themselves within a *period of grace* (approximately one month) were offered the possibility of reconciliation with the Church without severe punishment. The promise of benevolence was effective, and many voluntarily presented themselves to the Inquisition. But self-incrimination was not sufficient, one also had to accuse all one's accomplices. As a result, the Inquisition had an unending supply of informants. The denunciations were anonymous, and the defendant had no way of knowing the identity of their accusers, and those so denounced were detained. In other words, as long as you denounced someone, you were seen righteous and above suspicion, while the person you have accused, (eventhough he might be innocent), would be interrogated in a hidden location for a prolonged period of time. It bears a striking resemblance to the environment in America after the Patriot act was enacted, wherein people were 'encourage' to report anything 'out of the ordinary,' or in other words, Muslims practicing their *deen*. A defense counsel was assigned to the accused, a member of the tribunal itself, whose role was not to 'defend' their client, but rather to 'advise' the defendant to speak 'truthfully,' and denounce themselves. A *Notary of the Secreto* meticulously wrote down the words of the accused.

As for the other parts of the inquisitional 'machinery,' the *fiscal* was in charge of presenting the accusation, investigating the denunciations and interrogating the witnesses, (they were the equivalent of Crown Prosecutors). The *calificadores* were generally theologians; it fell to them to determine if the defendant's conduct constituted a crime against the faith. The court had, in addition, three secretaries: the *notario de secuestros* (Notary of Property), who registered the goods of the accused at the moment of his detention; the *notario del secreto* (Notary of the Secreto), who recorded the testimony of the defendant and the witnesses; and the *escribano general* (General Notary), secretary of the court.The *alguacil* was the executive arm of the court: he was responsible for detaining and jailing the defendant. Other civil employees were the *nuncio,* ordered to spread official notices of the court, and the *alcaide,* jailer in charge of feeding the prisoners.

After a denunciation, the *calificadores*, determined if the case and the accusation warranted a trial for heresy. If it was, the accused was detained for lengthy period of time, and if they were not, they will still incarcerated as what was described as preventative incarceration, to avoid the accused running away. Sometimes, those that were not guilty were preventatively imprisoned for upto two years before having their case examined, (let alone for the case to go to trial). The concept applied to property and wealth, in that the accused's, (eventhough his guilt has not been proven yet), property is sequestered and the revenue from it was used to pay for the inquisitional procedures. So Muslims during this time were ideal targets for envious Christians that lived alongside them, (and sometimes even envious Muslims who were unscrupulous), that had their eyes on Muslims properties and wished to not only remove the Muslim from his property, but also to take possession of it, (as the Inquisition would gladly sell the assets at favorable prices to Christians). This entire process was undertaken with the utmost secrecy where the accused were not informed about the accusations that were levied against them. Months, or even years could pass without the accused being informed

about why they were imprisoned. During the trial, the accused had two possibilities: *abonos* (to find favourable witnesses) or *tachas* (to demonstrate that the witnesses of accusers were not trustworthy).

In order to interrogate the accused, the Inquisition made use of torture, but not in a systematic way. It was applied mainly against those suspected of Judaism, Islam and Protestantism, beginning in the 16th century. Torture was always a means to obtain the confession of the accused, not a punishment itself. It was applied without distinction of sex or age, including children and the aged. Before the torture was applied, the Torturer began by "…stripping the prisoner [of his clothes and tying him to the trestle, there was a pause in which he was solemnly adjured to tell the truth for the love of God, as the inquisitors did not desire to see him suffer. The exposure of stripping was not a mere wanton aggravation but was necessary, for the cords around the thighs and arms, the belt at the waist with cords passing from it over the shoulders from front to back, required access to every portion of the body and, at the end of the torture, there was little of the surface that had not had its due share of agony, (Lea, 1906, vol. 3, 17)." This was inflicted on both men and women prior to torture to humiliate the victim and perhaps for the pleasure of their tormentors. The torture began and proceeded "…slowly with due intervals between each turn of the *garrotes* or hoist in the *garrucha*, or otherwise the effect was lost, and the patient was apt to overcome the torture, (ibid, 18)." Moreover there were restriction on the amount of times that torture could be applied, (this is theoretically identical to the case of Guantamo, Bagram and elsewhere). However, there were ways of circumventing this rule as torture could be continued by simply telling the defendant, "…the inquisitors were not satisfied, but were obliged to suspend it for the present, and that it would be resumed at another time, if he did not tell the whole truth. Thus it could be repeated from time to time as often as the consulta de fe might deem expedient, (ibid)."

The methods of torture most used by the Inquisition were *garrucha*, *toca* and the *potro*. The application of the *garrucha*, also known as the strappado, consisted of suspending the criminal from the ceiling by a pulley with weights tied to the ankles, with a series of lifts and drops, during which arms and legs suffered violent pulls and were sometimes dislocated. In about 1620, a writer of an inquisitional manual wrote:

> "…the elevating movement should be slow, for if it is rapid the pain is not lasting; for a time the patient should be kept at tiptoe, so that his feet scarce touch the floor; when hoisted he should be held there while the psalm Miserere is thrice repeated slowly in silence, and he is to be repeatedly admonished to tell the truth. If this fail he is to be lowered, one of the weights is to be attached to his feet and he is to be hoisted for the space of two Misereres, the process being repeated with increasing weights as often and as long as may be judged expedient, (ibid, 19)."

People that have read about the torture practice of arab jails, especially Egypt, would know very well that this is a technique still in practice today by the treacherous regimes.

The *toca*, also called *tortura del agua*, consisted of introducing a cloth into the mouth of the victim, and forcing them to ingest water spilled from a jar so that they had impression of drowning. Initially the defendant would be placed on:

> "…an *escalera* or *potro*…It slanted so that the head was lower than the feet and, at the lower end was a depression in which the head sank, while an iron band around the forehead or throat kept it immovable. Sharp cords, called *cordeles*, which cut into the flesh, attached the arms and legs to the side of the trestle and others, known as *garrotes*, from sticks thrust in

them and twisted around like a tourniquet till the cords cut more or less deeply into the flesh, were twined around the upper and lower arms, the thighs and the calves; a *bostezo*, or iron prong, distended the mouth, a *toca*, or strip of linen, was thrust down the throat to conduct water trickling slowly from a *jarra* or jar, holding usually a little more than a quart. The patient strangled and gasped and suffocated and, at intervals, the toca was withdrawn and he was adjured to tell the truth. The severity of the infliction was measured by the number of jars consumed, sometimes reaching to six or eight, (ibid, 19)."

This method is especially poingnant today, as the US military has used and continues to use this method of torture, more commonly known as 'waterboarding,' upon Muslims they suspect of being part of Al Qaida in numerous 'Black Sites[105]' around the world.

When it was over and the accused confessed under duress, the inquisitors concluded their reports by saying that "*confessionem esse veram, non factam vi tormentorum*," or that "the confession was true and free." In other words the accused confessed of his own will, much like victims of American torture in terror in Guantanamo, Bagram, Cairo, Morocco, Jordan, Pakistan and a host of other torture centers confess to whatever it is their tormentors tell them to confess to. After his confession, the accused was to be sentenced. The possible sentences were as follows:

1. **Aquittal**: The charges are dropped and the accused is innocent. This was rare during the inquisition.
2. **Suspension**: This is where the defendant went free, although under suspicion, and with the threat that the process could be continued at any time. Suspension was a form of acquittal without admitting specifically that the accusation had been erroneous. This resembles what the US government and military says when it releases prisoners from Guantanamo.
3. **Penance**: The defendant is considered guilty, and as punishment they had to admit to their crimes in public and renounce them, (it was called *de levi* if it was a misdemeanor, and *de vehementi* if the crime were serious). The defendeant was then condemned to punishment by either wearing the *sambenito*[106], exile, fines or even sentence to the galleys, (as slaves ofcourse).
4. **Reconciliation**: In addition to the public ceremony in which the condemned was reconciled with the Catholic Church, more severe punishments existed, among them long sentences to jail or the galleys, (i.e. enslavement), and the confiscation of all property. Also physical punishments existed, such as whipping.
5. **Relaxation**: There is a famous saying in Inquisitional documents that, "such and such was relaxed to the secular arm." This euphemism simply means that the defendant would burn at the stake at an *Auto de Fe*, and it avoided that Church having to take reposnsiblity for killing

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[105] This will be discussed in the conclusion

[106] a penitential garment similar to a scapular either yellow with red St. Andrew's crosses for penitent heretics or black and decorated with friars, dragons and devils for impenitent heretics to wear at an auto de fé (meaning acts of faith) – burning at the stake.The 'heretics,' found guilty by the inquisitors, had to walk in the procession wearing the *sambenito*, the coroza, the rope around the neck, and in their hands a yellow wax candle. The tunic of yellow cloth reaching down to the knees of the wearer, with figures of monks, dragons and demons in the act of augmenting flames, signifies that the 'heretic' is impenitent and is condemned to burn at the stakes. If an impenitent is converted just before the procession, then the sambenito is painted with the flames downward, which is called *fuego repolto*, and it means that the 'heretic' is not to be burnt alive at the stake, but to have the sympathy of being strangled before the fire is applied to the stake.The third type of penitential garment was for those who repented before they were sentenced. It was a simple yellow scapulary with a red cross, and a conical cap, dominated *coroza*, which was formed of the same material as the *sambenito*, and decorated with similar crosses but no paintings, figures or flames and the wearer is only to do penance.

anyone, and cleverly putting that burden upon the secular government of the land. This penalty was frequently applied to impenitent ‘heretics’ and those who had relapsed. Execution was public. If the condemned repented, they were garroted, (strangled by rope), before the body was given to the flames. If not, they were burned alive.

Some historians, (such as Hernando Del Pulgar), estimated that the inquisition had burnt around 2,000 people and reconciled another 15,000 people already by 1490. Other historians who have had a chance of studying he Spanish National Archives have found data on around 44,674 judgements, the latter studied by Gustav Henningsen and Jaime Contreras. These 44,674 cases include 826 executions *in persona* and 778 *in effigie*, (a symbolig burning in the event that the person accused had not been apprehended yet). This material, however, is far from being complete, due to the fact that the records for each individual tribunal are kept at their locations, (i.e. the Mexican inquisitional records can be found in Mexico City etc.). Moreover many records have been lost due to firs, loss, war and other occurrences that have reduced the likelihood of ever compiling a comprehensive work on the inquisition and its victims. However most historians approximate that the finally death count by the inquisition is likely to be between 3,000 and 5,000 executed.

During and after the end of the Al Bushra Jihad, Muslim cases became predominant in the tribunals of Saraqusta, (Zaragoza), Valencia and Garnata; in the tribunal of Garnata, between 1560 and 1571, 82% of those accused were Muslims, (Kamen, 1999, 224). In fact, during the period of 1540-1549, 266 Muslims were tried by the Inquisition as compared with the period of 1560-1571, where there were 2,371 cases, which is an almost ninefold increase, (ibid). A strategy that was highly effective then, (and very relevant now), was for the Inquisitorial authorities to appoint Muslim notables and elites as ‘familiars’ or informants to inform on their respective populations. This was the case when in Valencia in 1561, the Inquisition appointed the Ibn Aamir family as one of their ‘familiars’ in Valencia, (ibid, 222). In fact it was not just the Ibn Aamir family but the families of

> “…Don Cosme, Don Juan and Don Hernando Abenamir [Ibn Aamir] of Benaguacil [whom] ranked among the first of the old Moors [Former Muslims/*Mudajjan*] of Valencia; the brothers were rich and influential; they held licences to bear arms, and Inquisitor Miranda had appointed them familiars--a position which they resigned at the instance of the Duke of Segorbe, on whose lands they dwelt, for he said that they had no need of such protection, as they had only to appeal to him if aggrieved. In May, 1567, during the absence of Inquisitor Miranda, the fiscal presented to the other inquisitor, Geronimo Manrique, a *clamosa* against the brothers, (Lea, 1906, Vol. 3, 362-363).”

Due to the conflict between the Duke and the Inquisition, the inquisition schemed on a way to apply pressure upon the Muslim nobles. Don Cosme was bought to trial first and was interrogated. He was asked about when he was baptized, and he said:

> “…that he presumed he had been baptized when a child, yet he did not consider himself a Christian but a Moor [Muslim]; he had through life performed Moorish [Muslim] rites and had gone to confession only to conform with the edicts, but in future he desired to be a Christian and to do whatever the inquisitors might require, (ibid, 363).”

Clearly, today the allegory between this example and our leaders, western educated intellectuals and elites is painfully clear. They watch, rule and guide us, and look for the welfare of their masters, (then it was the Inquisition, and today it is America and its *kaafir* allies around the world), their own welfare and not the well being of the Muslims.

Another oddity that occurred under the purview of the Inquisition was Muslims denouncing other Muslims. This may manifest itself as disgruntled children denouncing their families, or spouses denouncing their partner or even neighbours denouncing each other. The most startling example of this when in 1606, Maria Paez, the daughter of Deigo Paez Limpati, (who were Muslims), denounced not only her family but all her friends in the town of Almagro. In the course of the trial, the denounciations increased and increasingly the whole community began feeling the Inquisitorial authorities. In the end the statistics from the trial are grim:

Died during trial (due to torture or natural causes)	5
Acquittals	14
Cases dismissed	5
Cases suspended	30
Abjuration *de levi*	24
Abjuration *de vehementi*	15
Instruction ordered	32
Reprimand in audience chamber	8
Spiritual penance	6
Reconciliation with confiscation	78
Reconciliation without confiscation	5
Fines	5
Exiles	2
Wearing *Sanbenito*	5
***Sanbenito* and prison for a term**	27
***Sanbenito* and prison perpetual (usually discharged after three years)**	32
Sanbenito and prison perpetual, irremisable	3
Scourging (mostly 100 lashes, sometimes 200)	15
Galleys ([enslavement] for terms of from 3 to 10 years	14
Relaxed to secular arm for burning	11

(Source: Lea, 2001, p. 109)

Of a total of 49,092 trials from the period 1560–1700 registered in the archive of the Suprema, 11,311 cases are registered cases of Muslims. The first appearance of Muslims in the records however, (at least in Valencia), was in 1535 when five Muslims were burnt to death, (Lea, 2001, 99), and thus the numbers above are not really indicative of the scale of the inquisition's impact upon Muslims from its start to finish.

As for the allegories between the Inquisition and the current doctrine of Extraordinary rendition and torture in third party sites by the United States is very lucid indeed. To begin the secrecy of both their operations and the way by which they make 'detainees' disappear, (taking away their Habeas Corpus rights), are very similar. Henry Charles Lea describes the Inquisitions activity:

> "When a prisoner was arrested he disappeared from human view as though the Earth had opened to swallow him; his trial might last two, three, or four years, during which his family knew not whether he was dead or alive, (ibid, 111)."

Much has been made in the media about Secret American interrogation sites and prison sites around the globe during the 'war on terror,' and this distinction is also found in the Inquisition in

Spain. The Spanish inquisitor also differentiated between interrogation prisons and actual public prisons of confinement:

> “The *cárceles secretas*, or secret prison, was the official designation of the place of confinement during trial of those accused of heresy. It formed part of the building of the Inquisition, so that the prisoner could at any moment be brought into the audience-chamber without being exposed to public view--such a case as Carranza's, where confinement was in a different place and the inquisitors went there, being wholly exceptional. The secret prison was exclusively one of detention, the *casa de penitencia*, or punitive prison, being wholly different…(Lea, 1906, vol. 2, 507).”

In fact even the torture methods, such as water torture, (‘waterboarding’), are all remnants of the Spanish Inquisition.



A map showing the tribunals of the Spanish Inquisition. Italic names indicate tribunals dependent on the Council's secretariat for Castilla; the rest were dependent on the secretariat for Aragón. Year of founding of each tribunal is shown; Sardinia's was disbanded in 1708, Sicily's in 1782, and the rest in 1820.

Many calculated means were used to ensure that Moriscos were sincere in their Christian faith and fully rejected their former Islamic way of life. One of the many ways this was done was to force Moriscos to eat or drink forbidden items. The fate of these Muslims, that were forced to convert to Christianity, was heard around North Africa, Egypt and even as far as Turkey. In reponse, many *fuquha* began to examine the present situation of these Muslims and trying to classify it and to figure out a solution for these Muslims in this predicament. One *mufti*, whose fatwa gained wide circulation in Morisco circles, was Imam Ahmed Ibn Bujuma'a Al Magrawi Al Wahrani[107] issued a fatwa[108] in 1504 explaining how they could maintain their *iman* and Islam throw a variety of method of methods, by which to circumvent and negate the compulsion upon them. He wrote:

> " If you fear that harm will result from the enemy coming to know your inner thoughts, blessed are those *ghuraba*[109] who do what is right when others fall into corrupt ways, for indeed he who remembers to worship Allah when those around him forget to do so is like a man who is alive among the dead, (Ibid, 60-61)."

The Prophet (صلَّى الله عليه وسلَّم), said of the *ghuraba*:

﴿قال رسول الله صلى الله عليه وسلم : بدأ الاسلام غريبا وسيعود غريبا كما بدأ فطوبى للغرباء﴾

[107] He resided in in the Moroccan city of Fas/Fez for the majority of his life. This fatwa would have been written during the reign of the Emir of the Wattasi dynasty, Muhammad II Al Burtuqali who reigned from 1470-1525. He studied in Tlemsaan [Tlemcen]. In Umar Ridaa Kahhaalah's '*Muajam Al Muallifeen'* Al Wahrani is described as a jurist who wrote '*Jaami' jawami' Al ikhtisaas Wa'l tibyan fee maa ya'rudu bayna Al mu'allimeen Wa Aabaa Al Sibyaan*, (a treatise on elementary education).' In Ibn 'Askar's '*Dawhat Al Naashir li-mahaasin man kaana bi'l Maghrib min mashaayikh Al qarn Al aashir*,' Imam Al Wahrani is described as:

> "Ahmad Shaqrun Bin Abi Jum'uah of Maghraawah: among them [Ibn 'Askar's authorities] is the master, jurist (*faqih*), and hadith expert (*hafidh*), widely read, exacting and accomplished in several fields, the consummate scholar Abu Al Abbas Ahmad bin Abu Jumah, of Maghraawah then [*thumma*], Wahran. He is known as Sayyid Shaqroun of Wahran becase he had light complexion, red eyes, and a stentorian voice. He came to Fez [Fas], taught as a law professor there, and became one of the prominent jurists…(Stewart, 276)."

He is mentioned in many other biographical works as well. Furthermore he is mentioned in Imam Maqri's '*Azhar Al Riyaad fee Akhbaar 'Iyaad*' in the context of Imam Maqri talking about Imam Al Wahrani's son:

> "The clever professor [*ustaadh*] and jurist and intelligent preacher Abu Abd Allah Muhammad, son of the Master, jurist, preacher, and professor of law [*mudarris*] Abu Al Abbaas Ahmad Bin Abi Jumuah Al Wahrani, reported that his aforementioned father used to preach the sermon of Al Qadi 'Iyaad Abu Al Fadl…(Stewart, 288)."

[108] Which is included in full in both English and Arabic, in Appendices S and T

[109] The contextual meaning of *Ghuraba* is in the hadith provided. The hadith states that Islam began as something strange, meaning as its state was in Makka during the first few years of the *Hijrah*, where there were few people who became Muslim and believed in Islam due to Islam being seen as a novelty and something strange. Towards the end of time, Islam will once again seen to being a novelty and strange and the truth shall be seen as falsehood and falsehood would be the truth. Those few that would cling tightly onto the Quran and Sunnah, (at great pain to themselves and persecution), in those times are the *Ghuraba*. Imam Ahmed Al Wahrani implies this when he begins his fatwa by referring to the Muslims of Andalus as: "Our brothers who are clasping on to their deen, as if clutching on to hot coals."

Islam began as something strange, and it would revert to its (old position) of being strange, so good tidings for the Ghuraba.[110] [111]

He then goes one to list a number of measure wherein they could, in a *shariah* compliant way, accept the compelling methods of the Christians:

1. He exhorts Muslims to reject the Christian idols of the church and that Allah did not take a son.[112] He exhorts them towards *tawheed*.[113]
2. He allows them exceptions by which to make *Salat* or prayer, by allowing them to use slight movements, (as to not be noticed by the Christians).
3. Exception for the zakat are made by Imam Ahmed
4. He provides methods by which to remedy *janaba* or ritual impurity.
5. He tells the readers that if they miss prayers during the day due to Christians being present, the reader can make them up at night when no one can see. He also advises them, that in the situation that water in not available for ablution, they can do *tayammum* or dry ablution.
6. Hower most interestingly of all, he says: "If, at the hour of prayer, they force you to prostrate yourself before their idols, or make you attend their prayers, maintain it as your firm intention to consider what they do as forbidden, and have it as your desire to carry out the prayer prescribed by Islamic law, bow down to whatever idols they are bowing to, but turn your intention towards Allah. Even if the direction is not that of Makka, that requirement may be disregarded, as it is in the case of prayer when in danger on the battlefield, (Ibid, 61)."
7. "If they oblige you to drink wine, you may do so, but let it not be your intention to make use of it, (Ibid)."
8. He gives exception to eat pork, as long as the reader, in his heart, rejects it and holds firm to the belief that it is *haram*.
9. Likewise he allows marriages of Muslim men to Christian women whom the Christians offer him, but if they ask for his daughters, then he is allowed to do it, but the Imam states sternly that: "you should cleave firmly to the belief that it is forbidden, were you not under duress, and abhor it in your hearts, so that you would do otherwise, if you were able, (Ibid, 62)."
10. He allows the usage of usury as long as the reader rejects it in his heart and gives the interest bearing portion to charity if he can.
11. A clever trick is expounded by Imam Ahmed when he explains: "If they oblige you to pronounce words of blasphemy, do what they ask, but employ whatever strategems of equivocation you can, and if you do pronounce the words they require, continue to put your trust in the faith. If they say to you: "Curse Muhammad," then, bearing in mind that they pronounce it as "Mamad," curse "Mamad," and signify thereby the Devil, or else the Jewish Mamad [presumably the Mufti has in mind the Sephardic synagogue official called the Mahamad], since it is a common name among them, (Ibid)."
12. Using the same logic, Imam Ahmed explains that: "If they say, "Jesus is the son of Allah," say that if they force you to, but let it be your intention to say it without the words in the possessive case [i.e. "of Allah"], namely, that the servant of Allah, the son of Mary, who is

[110] Strangers
[111] Sahih Muslim, Hadith: 61, Narrator Abu Hurayra
[112] See Surah Al Mu'minoon, verse 91, and Surah Al Furqan, ayah 2.
[113] The oneness of Allah

rightly revered. If they say, "Say the Messiah is the son of Allah," then say that, but intend it to be a genitive possessive phrase, in the same way as one can say, "the house of Allah [Bait Allah]," without meaning that Allah actually resides there.

13. Imam Ahmed says the same regarding the situation where Christians ask the reader to say Mary is the wife of Isa (Aleyhi salam).
14. Likewise, the same logic is used to explain to the reader how to deal with Christians who would force him to say Isa (Aleyhi salam), died on the Cross.

Imam Ahmed finishes by praying:

> "…that Allah may so bring it about that Islam may be worshipped openly without ordeals, tribulations or fear…We reassure you before Allah that you have served him, and done his command, (Ibid, 63)."

Indeed, the Muslims of Spain were thankful that someone had understood their dilemma and tried to constructively help them in their trials. In global events, the Uthmani admiral, Kamal Ra'ees bombards the Spanish in Al Meria and Malaqa and evacuates a number of Muslims and Jews to Istanbul at the beginning of 1506.

In spite of th above fatwa and its intentions of keeping Muslims secure in their deen, as much as was possible, it didn't stop the eventual corruption and destruction of individual Muslims, (due to indulgence in *kufr* habits), and of the Muslim community as a whole. As evidence of this downward spiral, we find on August 19, 1515, the new Spanish Queen an edict to create a public regulation to combat public order offenses in major cities in Garnata, (she sent the letter to Garnata, Wadi Ash, Basta, Almeria, Vera, Purchena, Malaqa, Balsh Malaqa) (My comments are in Bold):

> "Know that I have been informed that some of the newly converted [**Muslims**] who are resident in the above mentioned cities, because of the great amounts of wine which they drink, become so intoxicated that they fall down in public in the street, so that the old Christians mock them. When they are drunk, they cause disorder…and since it is my duty, as Queen…I command you, the aforesaid officers, and your lieutenants, that on each and every occasion that you find a New Christian [**Muslims**] drunk outside his own house or garden, that you have him brought to the prison of the place where he is found, where he is to be held for one day and one night as a punishment for his misdemeanor, (Ibid, 50)."

In other words, there were Muslims that were not simply following Imam Ahmed's command to drink if compelled, it would seem they drank of theyre own will, and that too, to excess, (ofcourse it is entirely possible, that they built this addiction after being compelled by Christians bent on removing the fear of the *haram* from them). They were so drunk that they got into fights and caused havoc in the streets. One can only imagine what a pitiful sight this would have been[114]. However, there is more, as this problem with drunkenness did not end as we see the city council of Basta, (this is not to say that Basta was the only city with this problem, as other cities of Garnata suffered the same problem), voted to ban the sale of Wine in taverns to to prevent drunkenness. The resolution, written on September 2nd, 1521, read, (comments in bold are mine):

[114] However it has to be remembered that Alcohol was present in Muslim Andalus, increasingly more during the 14th century and beyond, (one need only look at Al Mut'amid's, the former Emir of Seville, poetry to see that), but nowhere and no way was the problem of alchohol as public nor as prevalent as it was during the period after 1502 in Garnata under the Christians.

> "It was resolved that because in this city the sale of wine in taverns…gives rise to problems of many kinds, with Moriscos [**Muslims**] and other ill-disposed…persons foregathering in such places, and getting drunk, brawling and disputing, so that the Moriscos [**Muslims**] neglect their own affairs and spend the whole day in the taverns, and when they did go home , they beat their wives, in order to avoid these troubles, and many others which might be mentioned, it was resolved and decreed that all those in this city who have wine of their own production should sell it in their own homes, and not supply it to tavern-keepers…(Ibid)."

The shock to any Muslim reading this should, I hope, lead them to understand not only the saddening downward spiral towards *kufr* of the Muslims trapped in Andalus, but to the extent this applies to applies to our people today be it in the east in socially 'liberal' countries such as Dubai, where Men and women fraternize openly and commit adultery casually, while alchohol and prostitution are accepted facts of life even for our Muslim youth and those older! However, due to a variety of reasons, I cite the above edicts as guidance to the Muslims of the west in North America and Europe who believe that they are living in the new 'Madinah' and practicing a 'pure' Islam. Have the parents of the Muslim youth ever asked where their children spend their weekend with their *kafir* friends? Or perhaps they will contest that their children do not fraternize with non-Muslims, then pray tell, why are your child's 'Muslim' friends misguiding your child by encouraging him to drink alcohol, listen to music, use drugs and belittling *zina*! Do you really think your daughter is still a virgin? Or for that matter, your son? Your children are no longer in your control and you lost them the moment you brought them into the *kufr* society you brought them up in. According to statistics, (from a report in 1998), speaking about America specifically, (but applying the principal generally), it is estimated that at least 52% of girls, by the time they have reached 12th grade, are no longer virgins. As for boys, this number is higher, and is measured at almost 60% of boys in 12th grade that are not virgins, (Moore, et al. *A Statistical Portrait of Adolescent Sex, Contraception, and Childbearing).* As for the society that Muslims in the west live in, we turn once again to America, the leader of the free world. According to a report from the Kaiser Family Foundation, "During the 1999-2000 television season, 68% of all shows contained some sexual content, (Kaiser Family Foundation. 'Sex on TV: A Biennial Report of the Kaiser Family Foundation')." Due to the age of this report, it is only bound to be more during the current times. If we look at alcohol and drugs, then 80% of American high school students have consumed alcohol by 12th grade while in 2002, 53% of twelfth graders reported having used an illicit drug in their lifetime. Oh you parents! Do you really think that somehow your children are immune from being part of these statistics? Or somehow do you think that the law of averages does not apply to you and your offspring? Reflect if you care for your offspring and their future, if not for yourself. I believe that many will read this and protest, "What about the Arabian Peninsula! What about the Subcontinent! Do they not have the same problems which you speak of!" I would reply: Ofcourse, these are not problems limited to simply America, or even the west, but rather a result of the cultural crusade which they call 'spreading democracy and freedom' and 'liberty' in light of having completed the physical crusade a century ago, (with the destruction of the Uthmani Khilafa). So yes, it does not matter if you are in America or Dubai, or Manama or Karachi, the influences are the same and so are the temptations for your children and yourself. However, do remember that America and its allies are *muhaaribeen*, (those that are war with Muslims), and by living in America or any associated country would put you squarely in not just *Dar Al Kufr* but *dar al harb* as well. In effect, along with the moral corruption that your kids will undergo along with other hardships, you risk your hereafter and the present, (as shall be discussed in due course with the fatwa of Imam Wanshirisi).

Remember: What happened to these Muslims of Andalus is being done to you and your children but in such a devious and stready manner, which would have made the Spanish Inquisitors proud! In fact you no longer recognize falsehood as such, and instead, without any interference or interjection of the *kuffaar*, you call falsehood, truth and truth, falsehood, willingly!

At any rate, the Spanish were busy trying to crush the Islam of the Muslims of Andalus and were beginning to realize the Muslims were not willing to give up whatever bits of Islam they remembered, and thus began a series of official moves to brainwash the old and young in Christian rites. The Edict of 1511 ordered the Muslims to cease dressing like Muslims and to now buy new 'Christian' clothes. Any tailor that made Muslims clothes in the Muslim/Arab/Berber style risked a heavy fine, (as discussed in the new capitulations of 1501). They had to, as contained in the 1501 capitulations, (signed after the first Al Bushra uprising), hire Christian butchers and any butcher that slaughter according to Islamic standards risked the confiscation of his possessions and property. Books of fiqh and *ahadith* had to be surrendered to be burn, while estates of these Muslims would no longer be divided in the *Shariah* compliant way[115] and they would not be able to sell their properties either, (which would severly impede the emigration of Muslims desiring to leave Spain). Furthermore, the letter below is from Ferdinand de Toledo, the duke of Alba, in June 1514 to order Muslims to be forced to a series of actions to be brainwashed in the faith of Christianity [comments in bold are mine]:

> "Firstly, that their children from the age of six to thirteen should be instructed and taught to read and write [**in Spanish**], and that their parents should bring them on Sundays and holy days to Mass, so that they may learn the doctrine of spiritual things. The better to put this into effect, I command the governor by me appointed to draw up a register of those who ought to learn to read and write, which is to be handed over to the schoolmaster appointed to teach them. The schoolmaster may in this way know who is absent, and he is to notify my governor, who is to inflict the following penalty: the father (or mother where there is no father), of a child sent to learn to read and write will be fined one Real for every occasion when it is fault of the parents that the child fails to attend (half the fie to be paid to the duke's office, half to the person acting as informant), (Ibid, 52)."

So we now see concrete government edicts that institutionalize the brainwashing of the Muslim youth, where they will be forced to learn Spanish, while forgetting their Arabic, and in effect losing their connection with the Quran and, truly, with Islam. He continues in the letter that those not attending Church service would be charged a large sum, while those failing to "…memorize the *Credo*[116], *Salve Regina*[117], *Ave Maria*[118], and *Pater Noster*[119], before the following Easter (the

[115] See Sura Al Nisa, Verses 11-12

[116] The Christian 'Aqeedah' or creed which seeks to affirm that Allah has been begotten and manifest in the human being Jesus.

[117] "Salve Regina" or "Hail Holy Queen" is a Christian Hymn and Prayer to the Virgin Mary. The Salve Regina is predominantly used in the Catholic Church, typically around feast days like the Assumption or Immaculate Conception.

[118] A traditional Catholic Prayer to Mary, the mother of Jesus, developed in the early Middle Ages, with its roots in the Bible.
The first part of the prayer is the salutation of the Archangel Gabriel as reported in the *Gospel of Luke* 1:28 "Hail Mary full of grace, the Lord is with thee". The second is from the greeting given to Mary by her cousin Elizabeth in Luke 1:42 "Blessed art thou amongst women and blessed is the fruit of your womb", and a reinforcement of basic Christian belief in the divinity and humanity of Jesus. The closing petition "Holy Mary, Mother of Allah, pray for us sinners now and at the hour of our death. Amen." is stated by the official "Catechism of the Council of Trent" to have been "framed by the Church itself".

proclamation was dated in June, so they had some nine months), (Ibid)," would be charged 1000 Murabit's! One can certainly understand the importance of enforcing church attendance and memorize Christian creeds, but why would learning another language be such a bad thing? This is due to the fact that the children, being the future generation of the Muslims and generation which can be molded,(unlike their parents), would learn Spanish, and it was understood since the use of Arabic was banned, they would forget Arabic. The children, when they are older, would, if they even had the desire to, try to learn about their parents and Islam but discover that it is all in Arabic, a language that is alien to them. They would feel more Christian and Spanish than Muslim and Arab, (or Berber). In effect, you could take away their *deen* or any ability to learn or practice it by simply taking the language away. Translations can only go so far, and decisions made upon translations can only lead to confusion and misguidance. In addition, translations are dependent heavily on the vocabulary (and baggage therein that its individual words carry), of the language to be translated into. In this case, to translate Islamic texts into Castilian would be to borrow the literary baggage its words carry and superimpose them upon Islamic terms. Lets say for example you try to translate '*Shaheed*' into English, you would get, 'martyr.' However you would be incorrect. The true meaning of Shaheed would be one that Allah bears witness for on the day of judgement for a variety of reasons. However, a martyr is simply one who dies for some cause and is seen as a symbol of that cause due to his death, (i.e. a priest who was 'martyred' by the King for speaking against him). Clearly, taking Arabic away from the Muslims was a clever move by the Spanish, but it is not an isolated event, as the British almost 350 years later did the very same with their colony of India. Thomas Babington Macaulay, a British Minister of Parliament and was serving on the Supreme Council of India, (a British Colonial Institution), stated in 1835 in his infamous Minute on Indian Education:

> "It is impossible for us, with our limited means, to attempt to educate the body of the people. We must at present do our best to form a class who may be interpreters between us and the millions whom we govern; a class of persons, Indian in blood and colour, but English in taste, in opinions, in morals, and in intellect. To that class we may leave it to refine the vernacular dialects of the country, to enrich those dialects with terms of science borrowed from the Western nomenclature, and to render them by degrees fit vehicles for conveying knowledge to the great mass of the population, ('Macaulay's Minute on Indian Education')."

What is shocking about his statement is that it is almost indentical to Fernando de Toledo's suggestions in terms of its overt and covert objectives. They both wanted to create from the youth a class of people that would, by their own will, adopt the culture of the occupier, (in Spain, Christian

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[119] The Lord's Prayer is probably the best-known Prayer in Christianity. According to the New Testament, the prayer was given by Jesus of Nazareth as a response to a request from the Apostles for guidance on how to pray. The English text is the following:

Our Father who art in Heaven,
hallowed be Thy Name.
Thy Kingdom come, Thy Will be done,
on Earth, as it is in Heaven.
Give us this day our daily bread,
and forgive us our trespasses,
as we forgive those who trespass against us.
And lead us not into temptation,
but deliver us from Evil.

culture), and thus serve as the enforcers of the will of the enemy while confusing the populace, (due to, in the Spanish case, the Muslim ancestry of these people and theyre slightly different physical appearance), as to resist or comply. Indeed, the new generation of Arab rulers are no less subject to this principle, and almost all, if not all, of the sons and daughters of the rulers of the Arab peninsula and elsewhere in the arab world have been sent to elite western institutions to be schooled in the ways of ‘civilization,’ (i.e. all that is *kufr* and not Islam). Many of them are sent to elite military academies such as Sandhurt in England where King Abdullah of Jordan and Sultan Qaboos of Oman have attended, among others, to become the iron fisted dictators whom implement the plans of the west in the Muslim world with soldier like precision. If they didn’t go there, and were slightly more clever, they were sent to elite institutions such as Sorbonne in Paris, (Hassan Turabi), or Georgetown in Washington D.C., (Turki Al Faisal) or maybe an Ivy League university, (which includes Harvard, Yale, Princeton, amongst others).

In fact, the English medium schools[120] that were created as a result of Macaulay’s insistence still remain, and are practically the only school system of any ‘repute’ in the subcontinent. *Madaris* that teach Arabic and the Islamic sciences are relegated to the fringes and are steadily declining in their relevance and quality. In fact, it has become a fact that those with Western style education and a knowledge of English were, (and still are), eligible for government employment or for a career in public life, (e.g. Benazir Bhutto springs to mind).[121]

In the current climate, the Madrassas have, for the most part, become tools for the governments of this area to manipulate public opinion by issuance of dubious fatawas. In fact, this came to the fore after the Mumbai attacks of November 2008 when, if you opened up any major news website, you would have first found the following headline:

> “**Indian Muslims say they do not want the gunmen killed by the security forces during the attacks in Mumbai to be buried in Muslim graveyards.**
>
> Community leaders believe the militants cannot be called Muslims because they went against the teachings of Islam and killed innocent civilians.
>
> One leader said the militants had "defamed" the religion.
>
> Nine militants died when they stormed targets in India's financial capital, killing at least 172 people…
>
> They said that they could not believe that the assailants, who they said had "killed innocent civilians unprovoked", were true followers of Islam.
>
> Ibrahim Tai, the president of the Indian Muslim Council, which looks after the social and religious affairs of the Muslim community in India, said that they had "defamed" his religion.

[120] Schools where all learning is in English

[121] The Government of Pakistan has recently announced the introduction of English lessons on a phased basis to all schools across the country. This new policy states that "English language has been made compulsory from Class-1 onwards" and the "Introduction of English as medium of instruction for science, mathematics, computer science and other selected subjects like economics and geography in all schools in a graduated manner." Caretaker Minister for Education Mr. Shujaat Ali Beg declared January 25, 2008 that eighteen colleges of the city of Karachi would be made *"Model English Medium Colleges,"*

"They are not Muslims as they have not followed our religion which teaches us to live in peace.

"If the government does not respect our demands we will take up extreme steps. We do not want the bodies of people who have committed an act of terrorism to be buried in our cemeteries.

"These terrorists are a black spot on our religion, we will very sternly protest the burial of these terrorists in our cemetery," he said.

Other Muslim groups have written to their local assembly representatives to say that if the authorities force the militants to be buried in a Muslim graveyard, they too will come out on the streets in protest.

The council move found some support in Mumbai.

One Muslim housewife, Ruksana Sayeed, said: "We Muslims do not even kill an ant, our religion does not teach all this, we are against all these terrorists and I completely agree with the Muslim Council's argument."

However, Naseem Ahmed, a Muslim worker in the city, said the council was wrong.
"They are Muslims and they can be buried even if they have done something wrong. Our religion does not say that those who have done evil can't be buried in a cemetery," he said, (Ahmed, Zubair, Muslims refuse to bury militants, BBC NEWS, http://news.bbc.co.uk/2/hi/south_asia/7758651.stm)"

Its too bad that Mr. Ibrahim Tai could not have taken up 'extreme steps' when it came to protesting the atrocities the Indians are committing in Kashmir or were in Gujarat, (let us forget for Mr. Tai's sake that the Ummah is one body and that they should care about Afghanistan, Iraq, the Maghrib and elsewhere). It is surprising how fast the Ulema have so carelessly made *takfir* on the mujahideen while preaching in parallel that the mujahideen are *takfiri*'s? What is more amazing is that so much coverage is given to people of the opinion of Mr. Tai and Mrs. Sayeed but people of intellect such as Naseem Ahmed are pushed to the bottom. If you are an Indian Muslim reading this, which opinion in this article makes sense to you and which one smells of defeatism and cowardice? Then you would have seen this article:

"**Avoid cow slaughter on Eid-ul-Azha: Deoband to Muslims**

NEW DELHI: Leading Islamic seminary Dar-ul-Uloom has suggested to Muslims in the country that they avoid slaughtering cows on Eid-ul-Azha as a mark of respect to the religious beliefs of Hindus.

The appeal has been supported by the All India Organisation of Imams of Mosques (AIOIM), which had earlier asked Muslims to put black ribbons on their shoulders as a symbol of their solidarity and grief for the victims of the Mumbai terror attacks.

In a booklet detailing the concept of 'qurbani' or sacrifice on the occasion of Bakri-Eid, brought out by Deoband-based Dar-ul-Uloom, the seminary has advised Muslims to refrain from sacrificing cows to avoid hurting sentiments of the Hindus.

"They (Muslims) may slaughter other animals that are approved by the *Shariah*," the booklet said, asking Muslims to respect the sentiments of other Indians.

Established in 1866, Dar-ul-Uloom is the most respected school of Islamic teaching in the subcontinent.

AIOIM President Hazrat Moulana Jameel Ahmed Ilyasi said slaughtering cows hurts the sentiments of Hindus and "we should not do anything that will disturb communal harmony in the country".

Ilyasi also asked Imams all around the country to pray for the victims of the Mumbai terror attacks during Eid prayers and express solidarity with Mumbaikars.

"They should pray to the Almighty during Eid prayers for restoring peace in the country," Ilyasi said, (Times of India, 'Avoid cow slaughter on Eid-ul-Azha: Deoband to Muslims.' http://timesofindia.indiatimes.com/India/Avoid_cow_slaughter_on_Eid-ul-Azha_Deoband_to_Muslims/articleshow/3797689.cms)"

I would assume next we should tear pages out of our books of Ahadith on *Jihad* and killing of Jews and apostates because it is offensive? Or perhaps we should now fudge up the *seerah* of the Messenger (صلّى الله عليه وسلّم), and say that Aisha (RA), was really not that young? If that wasn't enough, then the Muslims came out on the streets to protest against 'terrorism?:'

"**Muslims in Mumbai offer prayers for peace and harmony**
From ANI

Mumbai, Dec 6: Muslims offered prayers for peace and social harmony in the country here last evening.

The devotees after prayers felt that although the attacks had caused colossal damage to everybody, they were particularly perturbed since after every terror incident their community was considered as the perpetrator.

"It is a loss to everybody. So many people have lost their lives. Muslims are mostly at loss as they have to bear the brunt of what people do and disappear," said Sami, a resident.

While condemning the attacks, others said no human likes bloodshed.

"What has happened is wrong and we condemn it. If there is a blood-shed of a Hindu, Muslims won't be happy, and similarly, Hindus will not like a Muslim bloodshed," said Yusuf Khan, another resident, (Asian News International, "Muslims in Mumbai offer prayers for peace and harmony" http://www.dailyindia.com/show/285353.php)"

Here are a few of them with placards:



Again I ask, where were these thousands of Muslims when Kashmiri Muslims were being killed? Why not the call for 'extreme' action then? Oh Muslims of India are you more afraid of these Hindu *mushrik* tyrants or of Allah (سبحانه و تعلى) on the day of judgement? If you do not stand for truth now, then when will it be that you will? How long will you deny the truth of Islam, *jihad* and *hijrah*? Until you have neither *deen* nor *dunya*? Or you start practing the new form of Deen-e-illahi[122]? Didn't the same Akbar, (who had created the Deen-ilahi), also declare an 'Amari' or forbiddance of the killing of animals on the holy days of Jains like Paryushan and Mahavir Jayanti, (as you, O Ulema of India, are attempting to do)? I'm afraid the Ulema of both Pakistan and India have chosen the path of disgrace and humiliation by their recent fatwa against terror in June 2008, where Dar Al Uloom's Grand Mufti, Habibur Rehman said, "Islam rejects all kinds of unjust violence, breach of peace, bloodshed, murder and plunder and does not allow it in any form…(Times of India.'Deoband first: A fatwa against terror' http://timesofindia.indiatimes.com/India/Deobands_first_A_fatwa_against_terror/articleshow/3089161.cms)." An extract from the Times of India reads thus:

> "Citing the "sinister campaign" to malign "Islamic faith...by linking terrorism with Islam and distorting the meanings of Quranic Verses and Prophet traditions", Mahmood Asad Madani, leader of Jamiat Ulema-e-Hind, had wanted Deoband to spell out the stand of Islam on world peace.
>
> The fatwa, issued before a huge gathering of Muslims in Delhi's Ramlila Ground for the Anti-Terrorism and Global Peace Conference, went on to say, "It is proved from clear

[122] The Dīn-i Ilāhī was religious doctrine propounded by the Mughal emperor Jalālu d-Dīn Muḥammad Akbar ("Akbar the Great") intended to merge the best elements of the religions of his empire (primarily Islam and Hinduism; elements were also taken from Christianity, Jainism and Zoroastrianism) and thereby reconcile the differences that divided his subjects.
Akbar was tolerant of religions other than Islam. In fact, not only did he tolerate them, he encouraged debate on philosophical and religious issues. This led to the creation of the *Ibādat Khāna* ("House of Worship") at Fatehpur Sikri. From the discussions he led there in 1575, Akbar concluded that no single religion could claim the monopoly of truth. This inspired him to create the *Dīn-i Ilāhī* in 1581. Various Muslim clerics responded by declaring this to be blasphemy.

guidelines provided in the Holy Quran that allegations of terrorism against a religion which preaches and guarantees world peace is nothing but a lie. The religion of Islam has come to wipe out all kinds of terrorism and to spread the message of global peace. Allah knows the best."

The conference was addressed by Jamiat chief and Darul-Uloom’s deputy rector Hazrat Maulana Qari Sayed Mohammed Usman.

He called the conference historic as Muslims of different sects and ideologies — including Nadwatul Ulama Lucknow, Jamaat-e-Islami Hind and All India Muslim Personal Law Board — ratified the fatwa against terrorism…

Jamiat Ulema-e-Hind leader Madani, an MP, stated that the fatwa should be welcomed by the entire Islamic world.

"Killing of innocent people is not compatible with Islam. The biggest challenge faced by us today is terrorism (which) threatens to strike at the very root of the secular structure of our society besides causing irreparable loss," stated Madani…
However, it was when the deputy rector of Deoband, Usman, came down heavily on "the dual policy of America" that the massive crowds cheered the most. "Whenever Christian and American interests are hurt in any part of the world, they take prompt action to set things right even at the cost of human lives. They maintain silence though when Muslims are the victims," he said, further criticizing the US for its support to Israel.

According to Usman, Jamiat recently held a series of conferences and meetings with madrassas in Lucknow, Ahmedabad, Hyderabad, Kanpur, Surat, Varanasi and Kolkata to carry forward the anti-terror movement which was initiated at Deoband in February. Usman said that many people, especially in the West, were carrying out a propaganda that terrorism was synonymous with jehad.

He said that while terrorism is destructive, jehad is constructive. "Terrorism is the gravest crime as held by Quran and Islam. We are not prepared to tolerate terrorism in any form and we are ready to cooperate with all responsible people," he said, (ibid).”

Qari Sayed Mohammed Usman speaks wonderful words, but they are just that: words. If he really feels so strongly about the double standards of the Americans, then why does he not denounce their killing of innocent afghanis in Afghanistan? Why not call for *jihad* against the occupiers in Afghanistan? Ah, I remember you believe in *jihad*, but of the *Nafs* only and if you would ever approve of fighting, then it would have to pass through unlimited conditions that would make it almost impossible to wage *jihad*. As for what was reportedly said by Mahmood Asad Madani, why does he care about the ‘secular structure’ of ‘our’ society? One one level he is supporting man made law and admitting he supports the application of Islam in *Ibadah* while using secular rules and laws for everything else. On another level, he sounds like a ‘house negro’ and is remeniscint of Malcolm X quipping about African Americans saying:

“Imagine a Negro: "Our government"! I even heard one say "our astronauts." They won't even let him near the plant -- and "our astronauts"! "Our Navy" -- that's a Negro that's out of his mind. That's a Negro that's out of his mind.”

To conclude this discussion, I realize I have cited almost exclusively South Asian ulema, but it is by no means targeting solely South Asian ulema but due to the limited space and scope of this study, more space can not be devoted to this tangent. I could have added many Arab Ulema's *fatawa*s here that are just as shoddy and just as questionable.

Returning once against to Spain, Fernando de Toledo, in his letter, proposed to also:

- Force the Muslims to keep their house doors open on feast days, (Christian holy days), so as to make sure everyone is observing them and not working. This also meant that men could walk in and check as they please, violating the sancitity of a Muslims home and look at this wife and daughters.
- Force Muslim women in Church to leave their faces uncovered.
- And that the "public baths are not to be lit…on Sundays, nor feast days nor Fridays, and any bath-keeper, who disobeys incurs the penalty of 600 Murabits on the first occasion, an 100 lashes for a second offense, the penalties apply to those making use of the bath, (Harvey, '2005,' 52)."

That last condition was to stop Muslims from taking a shower during Fridays and to hinder them from Friday prayers. While the ban on Sundays and feast days is immeasurably more interesting, since it would only make sense if we take Imam Ahmed's 1504 fatwa in perspective. If Fernando knew about its contents, as it appears he does, he was trying to hinder Muslims, pretending to observe the feast days and Christian holidays, while internally, or in a hidden way, praying their *Salat*.

However, the Spanish had not anticipated the strong *iman* and the *taqwa*[123] of the Muslims of Spain as they stubbornly clung on to their Islam, refusing to budge an inch. In fact, the Muslim youth began to build a hatred of *kufr* and the *kuffaar*. Marmol Carvajal, (a soldier in the Spanish army that fought against the Muslims in 1568 during the Al Bushra *jihad*), states, (comments in bold and/or underlining are mine):

> "Hence it was that hour by hour their enemity for the name of Christians increased. Although with feigned humility they adopted moral [**Christian**] ways in their behaviour…inside themselves they hated the yoke of Christian religion, and in secret they studied their doctrine and taught one another the rites and ceremonies of Muhammad [**i.e. the *Sunna* among other things**]. This defect extended to all the common folk. There were certain of their nobles who gave themselves over to matters of faith, and regarded it as an honor to be and to appear to be Christians[124]…If they went to mass on Sundays or holy days, that was only for the sake of form…and to avoid being fined by the clergy…They observed Fridays [***Jumuah***] and washed themselves then, and behind locked doors they performed *salat*. On Sundays they stayed indoors and continued working. After the baptism of their babies, they washed them in warm waterto removed the sign of baptism and the holy oil, and they performed their own ceremony of circumcision, and gave their children Moorish [**Muslim**] names. Brides, who had been made by the priest to wear Christian bridal dresses to their [wedding] benediction in church, stripped them off when they got home, and dressed as Moorish [**Muslim**] women…Although some of them did learn the prayers, that was only because <u>they were not allowed to get married unless they knew them</u>, and many avoided learning Castilian so they would have an

[123] Roughly: Fear of Allah

[124] i.e. there were former Muslim notables that had apostated truly and were proud of being Christian. Does this remind you of Sadat, Jamal Abdul Nassir, and the Saud family?

excuse for not learning them, (Carvajal, 'Historia de la Rebelion y Castigo de los Moriscos,' 63)"

The interesting part of Marmol's account is that, apparently, Muslim parents would allow children to marry only if they learned how to pray. To us this may seem as lax and a sign of the wayward nature of the Muslims in Spain. However, we must keep in mind the immense pressure and persecution practiced upon the Muslims of Spain, that simply saying the Prophets (صلَّى الله عليه وسلَّم) name could result in torture, let alone prayer or keeping a copy of the Quran at home, (much less reading it). Bearing these in mind, the apparent stance of the Muslims in Spain is remarkable compared to our times, where, we are under no compulsion or torture, but yet our *masajid* are empty and our Qurans remain untouched, collecting dust upon our cupboards and bookshelves.

The End of the Muslims of Arghun and the Germania Revolt:

Across the seas from the oppressed Muslims of Andalus, Alfonso De Albuquerque, the Portugese governor of India, continued his raids on Mughal India by conquering Goa in 1511. He dealt with the issue of Muslims in Goa by ordering "…the entire Muslim population slaughtered, (Benton, 117)." He followed this up with ambitiously sailing all the way to the Muslim Sultanante of Malaqa[125] in April 1511. During Albuquerque's journey, the international Muslim trading community, especially Goan Muslims, in Malaqa urged the Sultan Mahmud of Malaqa of the grave threat of the Portuguese and surely retold the tales of horrors Albuquerque carried out upon the Muslims of Goa, (Basri et al, 95). Mahmud listened and captured and/or killed the Portugese present in his territory, (Ricklefs, 23).However, with the arrival of Albuquerque and his state of the art armada in April 1511, he quickly tore apart Malaqa by the end of August of the same year. By 1512, the Spanish were making inroads across the Atlantic by settling the area of modern day Panama.

The Uthmanis continued to consolidate their power over their domains by resoundingly defeating their Shia Safavid enemy at the Battle of Chaldiran in 1514 CE and taking full control of Egypt and Algeria in 1517 CE, thus providing the Uthmanis with bases closer to their European enemies and the Muslims of Andalus. Khayr Al Deen, the famous *mujahid* and *ghazi* who had been terrorizing Spanish *kuffaar* fleets in the Mediterranean with his own fleet, offered to give *bayah* to the Uthmani *khalifa* in 1519. Due to Khayr Al Deen's precarious situation in fighing the Spanish in Algeria, the *khalifa* accepted his pledge and sent him 2000 Uthmani Janissary troops along with artillery, (Abun-Nasr, 150). This now gave the Uthmanis enough territory to feasibly sustain operations against the Spanish navally, and perhaps even on land subsequently, as Algeria was very close to Spain. In fact the alarm bells in Europe must have been ringing when the Uthmanis had captured Belgrade (in present day Serbia) in 1521 CE, which would then put the Uthmanis at the gates of major European Christians powers such as the Habsburgs in Austria and even the Vatican in Rome. It would the Europeans were imagining a giant pincer movement aiming to not only retake Andalus, but to surroung the Christian European nations and to strike at their heart: Rome.

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[125] At the height of its power, the Sultanate encompassed most of modern day Peninsular Malaysia, the site of modern day Singapore and a great portion of eastern Sumatra. The Sultanate also included the Malay settlements of Phuket, Pattani and Satun in modern day Thailand, where our brothers are fighting against the oppression of the *mushrik* Bhuddists. It was also the center of Islam in the eastern sphere, where imams and *ustadh*s came to discuss matters of the *deen*. Muslim *da'ees,* (callers to Islam) were also sent by the Sultan to spread Islam to other communities in the Malay Archipelago, such as in Java, Borneo, and the Philippines.

Hernan Cortes, the famous *conquistador* and Spanish commander, moved his forces further through Central America searching for riches, (i.e. Spices and Gold,) and stumbled upon the Aztec Empire[126] in Mexico. He arrived pretending to be interested in trade and soon proceeded to use one city state to annihilate the other, (i.e. the case of his allying with the city state of Tlaxcala to annihilate Tenochtitlan). Cortes and his troops carried out their carnage from 1519-1521, leading to the conquest of Mexico and the eventual death of the Aztec civilzation[127]. With their conquest, the Spanish start extracting Silver and Gold from these territories and shipping it back to Spain, leading to the enrichment of Spain, and elevating it to 'Superpower' status. It allowed Spain to sway opinions and have a bigger say in European and even Christian affairs, by applying they newly acquired monetary and military influence.

As for Christian exploration, the Portguese explorer Ferdinand Magellan, in the service of Spain, and his crew started their voyage on September 20, 1519 from Spain to find the Spice Islands, (Muluku). They travelled westwards around the southern tip of South America onwards towards the Philipines[128], (in the direction of the Muluku islands). Interestingly enough, as is indicated in the crew logs for Magellan's journey, there was a native of the Muluku islands onboard Magellan's ship, Enrique de Malacca. Magellan captured him and enslaved him after Portugese forces sacked Malaqa in 1511. He was taken back to Portugal where he was forcibly baptized and took up the name 'Enrique.' He was used by Magellan as a translator and guide for the Spanish mission to the Muluku islands. Considering that the islands of the Malay archipelago, (which includes the Muluku[129] islands), were almost entirely composed of Muslim populations, it has to be assumed that Enrique was in fact a Muslim.

Magellan sighted Samar on March 17, 1521, on the next day, they reached the Philipino island of Homonhon. They reached the island of Limasawa on March 28, 1521 where the first Mass in the Philippines was celebrated on March 31, 1521. Magellan arrived at Cebu on April 7, 1521, befriending Rajah Humabon, (the Muslim ruler of the area) and converting his family and 700 other Cebuanos to Christianity. Subsequently, Rajah Humabon and his ally Datu Zula convinced Magellan to kill their enemy, Rajah Lapu-Lapu, on Mactan Island. Magellan had wished to convert Lapu-Lapu to Christianity, as he had Rajah Humabon, a proposal to which Lapu-Lapu was dismissive. On the morning of April 27, 1521, Magellan sailed to Mactan with an army of men. During the resulting Battle of Mactan against native forces led by Lapu-Lapu, Magellan was shot by a poisonous arrow and later surrounded and finished off with spears and other weapons.

The question is however, who was Lapu-Lapu? One Sulu oral history provides many interesting details about Lapu-Lapu. He was called Iliji Rajiki (rajiki – a minor raja), a Muslim Tausug[130], an expert in Silatan (Tausug martial art of swordsmanship), and a warrior of the Sultan of

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[126] A powerful pagan empire that used to be based in Modern day Mexico. It was abundant in Gold and had a proud warrior tradition ruling over the area from 1325-1521, until the Spanish arrival.

[127] Truth be told, the Spanish did not eradicate the Aztecs all at once. They maintained the Aztec system of governance by installing severly weakened rulers, much like the forefathers of the current rulers of the Muslim world, such as severely weakened emperors, such as Cuitláhuac, before eventually instaling puppet rulers, such as Andrés de Tapia Motelchiuh

[128] The area of present day Philipines was dominated by the Muslim Sultanates of Sulu and Maguindanao, wherein almost all of the Philipines from the south in Mindanao to the north by Manila was under Muslim control. In fact Islam had been in the Philipines from the 11th or 12th Century.

[129] The name from the island comes apparently from the Arabic: '*Jazirat Al Muluk*', which means 'Island of many kings'

[130] The Tausūg or Suluk people are an ethnic group of the Philippines and Malaysia. The Tausūg are part of the wider Moro ethnic group, (Muslims), who constitute the sixth largest Filipino ethnic group. They originally had an independent state known as the Sulu Sultanate, which once exercised sovereignty over the present day provinces of Basilan, Palawan, Sulu, Tawi-Tawi, and the eastern part of the Malaysian state of Sabah (formerly North Borneo).

Sulu. Mactan was the seat of the Sultanate of Sulu and he was the Sultan's representative ruler in the Visayas area. He was no Pagan or animist but was a Muslim, and thus, don’t be fooled by the lies of history books that gloss over this episode in history. They describe Magellan’s death as if he fell of a cliff or had a heart attack, when in reality he was killed by *mujahideen* wielding merely swords, against the technically sophisticated rifles that the Portugese possessed. The *mujahideen* had rendered Spanish plans to conquer the Philipiness ineffective, but the Spanish would be back once again fifty years later to conquer the Philipines.

However, Islam in Castile and Arghun continued to be eroded, but events took place in 1521, that may not have been intended to affect the Muslims of Arghun, but ended up being utilized by the Christian monarchs to convert the Muslims of Arghun by force.

During the 1520’s, a revolutionary Christian movement sprang up in Arghun called the Germania or ‘the brotherhood,’ (nowadays they would be seen as a movement for democracy), who were disgruntled with the oppression and inequity of the Valencian Noblity and attempted to gain equity by deposing these nobles. The Germania realized that the *Mudajjan* Muslims, who fought alongside their Valencian masters in order to defend their estates, were the main threat to the Germania as they worked for less than Christians, were more productive and skillfull. As long as they were *Mudajjan,* Christians nobles would always prefer them to Christian laborers. During the Germania’s campaign, it was decided that not only would they raid and plunder *Mudajjan* areas, but would solve their problem once and for all by converting them to Christianity and ending their *Mudajjan* status. The process by which they would convert the conceivably large numbers of Muslims in Valencia was as follows: “a mob would arrive at a settlement of Muslims and call on them to convert—on the spot. Christenings might be affected on occation by aspersion from a bucket filled from an irrigation ditch, although in other cases priests were found to carry out the baptisms, (Harvey, ‘2005,’ 93).” By Spring of 1522, the tide had turned against the Germania and they were on the defensive. Muslims that had undergone forced conversion, torture and even death at the hands of the Germania, expected to be treated with sympathy and understanding by their Valencian masters for their loyalty against the Germania. However they were mistaken, as Christians, those champions of freedom religion, argued the baptisms were valid because:

> “The necessary element of free will had been present when the Muslims agreed to be baptized, it was held: after all they could, instead, have *chosen* to refuse—and so opted for death! (Ibid).”

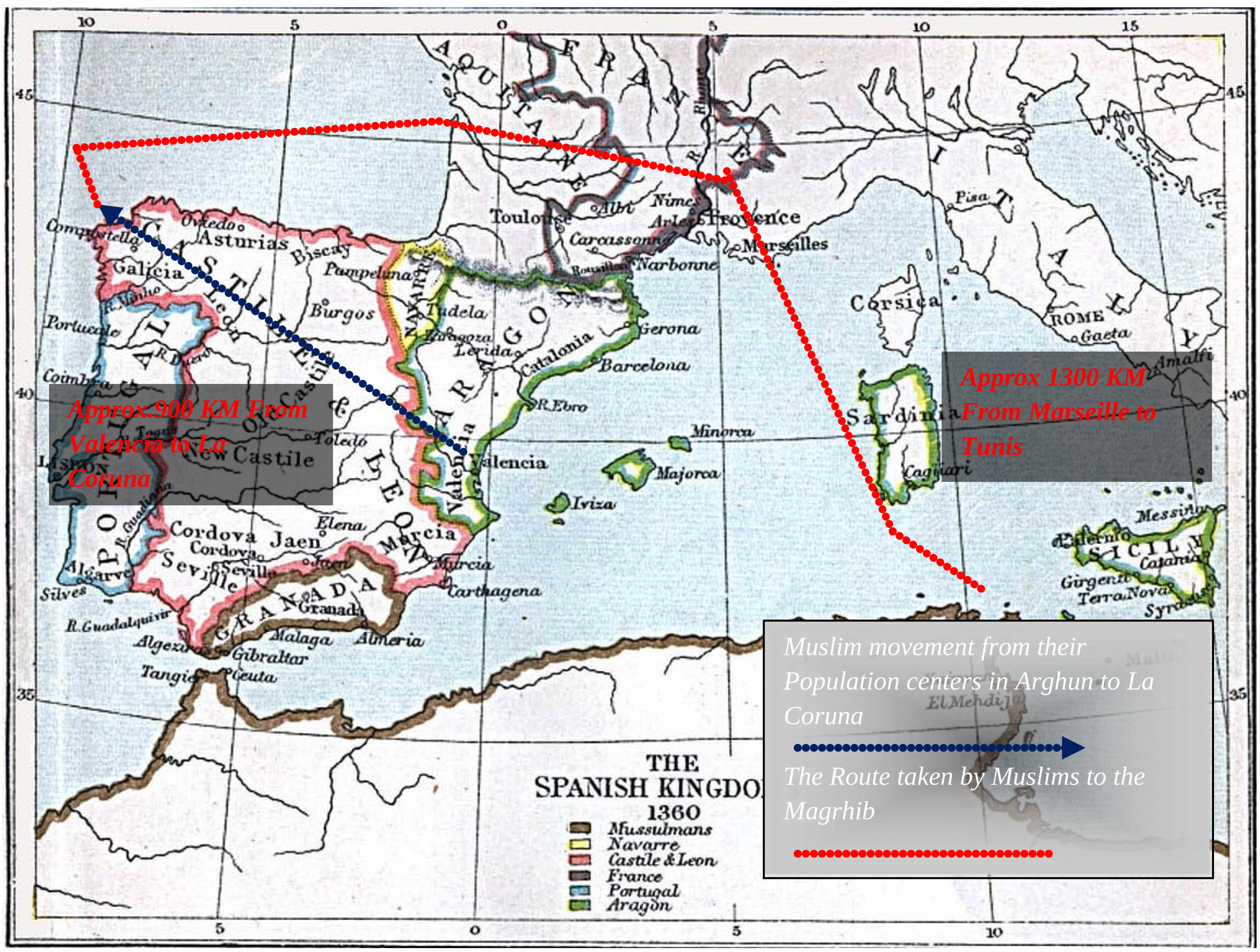
Alfonse de Fonseca, the Archbishop of Toledo at the time, explained that postulating that ‘free will’ existed in matters of religion was:

> “…recognizing freedom of conscience, forbidden by all the Cannons; baptism was an indissoluble marriage of the soul with God; the Church as a kindly mother embraces all, and does not willingly part with any; the Council of Trent insists on baptism at birth, and all children of baptized parents must be baptized and be coerced with penalties to lead a Christian life; it is a Protestant heresy to claim that faith must be free and voluntary…(Lea, ‘Moriscos of Spain,’ 294).”

With this twisted logic, Christian theologians said that the conversions were legal in terms of Canon Law. Ironically, Charles V, King of Spain, had promised the Muslims of Arghun in 1518 explicitly that he would not force his subjects to convert to Christianity. It seems that those that left in suspicion of the promise of the king did the right thing. On November 3, 1525 Charles wrote to the

inquisitor general of Spain enclosing a papal brief which authorized Charles to rescind his promise to his Muslim subjects. Certainly King Charles, cognizant of the rising power of the Uthmanis, and their menacing advance towards the heart of Christendom, decided that he had no problem breaking his promise to his Muslim subjects, since Spains security was paramount, and if the Muslims were not forced to become Christians, (and practicing at that), they could possibly be used by the Uthmanis as a 'fifth column' which would allow the Uthmanis to invade mainland Spain. As we shall see, with the Uthmani victory in the Battle of Mohacs in August 29, 1526 and the subsequent conquest of southern Hungary, the Uthmani continued inching closer and closer, and thus Spain's fears were not unfounded.

In any event, an edict was issued on the 25th of November informing Muslims that they would now come under the jurisdiction of the inquisition, and that if they wanted to leave, they until January 26, 1526, (Harvey,'2005,' 94). Once again the same farce, as had been constructed in Castile, and Muslims were told that they would first have to collect documention at "…Sieteaguas on the Aragonese border with Cuenca, and the route to be followed then was across the whole breadth of inland Castile through Madrid and Valladolid until finally they reached the sea at La Coruna! (Ibid)." Those that did not make it to the embarkation point in time had all their possessions seized and they were to be enslaved. If they wanted to stay, and be free, they had to convert to Christianity. Some did manage to take this route and escape to North Africa through France, (Ibid). I have illustrated the path below, (with the following routing: Valencia-La Coruna-western French sea port-land journey to Marseille-Tunis):



The farce was almost a duplicate of the previous one 25 years ago, and there was no choice involved at all. It wass nothing less than an egregious error to call this a choice between expulsion and conversion, when it was simply the forced conversion of the population of Arghun. The Muslims of Arghun, having heard the stories of the Muslims of Castile that had emigrated to Arghun, (to run away from forced conversions!), and their nightmare during the first phase of conversions in the early 1500's, realized that the chance of escape was very little, if not impossible, and so decided to flex every beauracratic channel available to them to stop this edict from taking force. At first, sympathetic Christians were sent as envoys for the Muslims to the King to negotiate a settlement on their behalf. They failed and thus Muslims decided to send 12 *fuquha* to the King to negotiate directly and on January 6, 1526, (just before the deadline for conversion), they reached an agreement. The King promised Muslims to not put them under the jurisdiction of the inquisition for forty years, shelving anti-Muslim measures, (keeping houses open, closing baths on Fridays etc.), but they would accept baptism and become Christians. In return Muslims would pay during this forty year period a special tax, or if you will, a bribe to placate the King, while implicitely they were told they could continue theyre practice of Islam, (albeit privately), (Ibid, 98).

At the same time in Castile, the edict of Garnata was passed in December 7th,1526 listed out the desire of the Spanish King to eliminate the "..arabic language, local dress and costume, jewelry, baths. Only midwives who were old Christians were to attend confinements, (Ibid, 106)." Here was the open and explicit attempt of the Spanish government to once again destroy Arabic as a language and to monitor and alter the lives of Muslims in Spain. What was worse for the Muslims was that the Office of the Inquisition were in charge of enforcing these demands and were prepared to use torture and intimidation if necessary. However, Muslims,as they would continue to do until their final expulsion from Spain in 1610, went to the King offering to pay higher taxes yearly as a way to persuade the King to not implement this edict. Needless to say, the Spanish considered the proposal and then rejected it.

This not to say that Muslims took the order for conversion lying down as, in many parts, they rose up and fought the Spanish. They elected as they leader one Salim Al Mansur and fortified their position in the Sierra de Espadan mountains. They were ready for a fight till the death since these were not merely Arghuni Muslims, but Muslims that had fled from Navarre and Castile, just recently and realized the intentions of the Christians. As for the Arghuni Muslims, they too probably understood the severity of the situation, and knew there would be no negotiating this time around. One example of this is from the province of Castellon in the village of Almonacid fought from October 1525 until Febuary 1526, when finally, the village was taken by an assault of Spanish forces, (Harvey, '2005,' 100). In the village of Maria were hoping that the Fatimi, (i.e. the Mahdi), would come to save them riding on his green horse. They were disappointed and when he didn't appear, they surrendered, (Ibid). The Spanish attempted to storm the mountains with 3000 troops but they failed in dislodging the Muslims and themselves were besieged in the village of Onda, (Ibid). The Christians had regrouped and in the interim the Pope in Rome had issued an edict that forgave all sins and excesses, (*a culpa et a poena*), on the part of the Christian soldiers. A new assault force was built consisting of 4,000 Spanish troops and 3,000 highly skilled German troops, (that had originally been intended for service in Italy), and they assaulted the Muslims in September 1526 with renewed viciousness and animality. Almost 5,000 Muslims were reported to have been killed at least, exclusively by the German troops. A few Muslims managed to escape and perhaps attempt to flee to the Maghrib.

Events began unfolding an ocean away in the land known now as Somalia, where the regional power, the Christian Kingdom of Ethiopia, had begun to attack the Muslim Sultanate of Adal, (which was formerly part of Ethiopia), located in Somalia, and mounted a raid on the city of Hubat in the early 1500's. The Ethiopians took many Muslim women and children during their incursion as well. The *mujahid*, Ahmad Ibn Ibrahim 'Al Ghazi[131],' under the command of his Emir, Umar Al Din, like his brothers today, refused to be cowed down by the Ethiopians *mushrikeen* and decided to counter attack the Ethiopians and defeated the Ethiopians, free all the Muslim women and children held prisoner withouteven the loss of a single man. Imam Ahmad's force regressed towards Harar, the capital of Sultan Abu Bakr's Sultanate. The sultans, being weak and favorable to the Christians, feared meeting Imam Ahmad and his *mujahideen* and thus fled the capital wherein they encountered Imam Ahmed in battle. Sultan Abu Bakr's troops one again fled and were allowed to flee by Imam Ibrahim, (as the ruling of the *Baghi* would be applied upon Sultan Abu Bakr, and thus when his forces were weakened, Imam Ahmad was not allowed to pursue and annihalate them as they retreated). Thus Imam Ahmad's troops established themselves in Harar, but Sultan Abu Bakr, the obstinate rebel attacked Harar once again, causing Imam Ahmad's men to retreat to Hubat once again. Unlike Imam Ahmad, Sultan Abu Bakr pursued Imam Ahmad and besieged them in Hubat leading to the death of Emir Umar Al Din. A truce was struck between Imam Ahmad and Sultan Abu Bakr, but once again, (and repeatedly), he broke the agreement and killed many of Imam Ahmad's men. This cycle of equitable truces offered to Sultan Abu Bakr continued, until finally the last attempt at peace failed and Sultan Abu Bakr attacked Imam Ahmad and his men for the third time, leading to Sultan Abu Bakrs death and defeat. Imam Ahmad finally cemented his hold of Harar and gave rulership of the lands to Umar Al Din's brother, allowing Imam Ahmad more time to concentrate of jihad. With the scenes of such victory against the lackeys of the Christians, the Muslims of the town of Adal refused to pay tribute payments to the Ethiopians, to which the Ethiopians decided to dispatch their troops to Adal to force them to pay. As was expected, by the will of Allah (سبحانه و تعلى) Imam Ahmad and his men destroyed the Ethiopans on the field. Imam Ahmed had decided to fight further into Ethiopia to spread the *deen* and to once and for all end Ethiopian tyranny by launching a counter assault into Ethiopia in 1527. He ralled the various tribes of the area to wage jihad against the Ethiopian *mushrikeen*. It must rememberd that this was *jihad* and not simply a tribal dispute as, "…although Somali clans -- principally the Habar Magadle, Isse, (Dir), the Gadabursi Dir, and the Darood -- played a strong role in the Imam's conquest of Abyssinia, these clans went to war not so much as Somalis but as Muslims, (Laitin & Samatar, 12)." Imam Ahmad defeated the *mushrikeen* at the Battle of Shimbra Kure in 1529 with the help of Uthmani weapons sent by the *khalifa*. The jihad continued as the Ethiopans continued to resist. Eventually, as the Muslim forces of Imam Ahmad progressed further into Ethiopian territory, the Ethiopians asked for help from the Portugese crusaders.

As for the Uthmanis, in their partial conquest of Hungary, they had set about to consolidate their hold over the country. However, the Austrian Habsburg king, Ferdinand I, (brother of King Charles V of Spain), claimed sovreignety over the parts of the Hungary that were not under Uthmani control. The Habsburgs decided to attack the Uthmanis in Hungary, with the Uthmanis resisting their attacks and in turn counter attacking the Austrians. The Uthmani *khalifa*, Sulayman 'Al Kanuni,'after firmly defeating the Austrians, decided in 1529 to lauch a counter offensive and siege Vienna, the

[131] In fact, as described in *Futuh Al Habash* , Imam Ahmad lived during Sultan Abu Bakr's, (the previous ruler) time, as he was displeased with the corruption that was tolerated and violations of the Shariah by the Sultan himself and his soldiers in the land and the lax attitude towards relations and trade with the *mushrik* Christians. As a result, the Imam left his city of Harar, 30 km northwest to Hubat with a number of men to escape the woeful state of affairs in Harar. They chose a certain Umar Al Din as their Emir in Hubat.

capital of Habsburg Austria. In the end the siege of Vienna failed for a variety reasons, namely that of the long distance between Vienna and Istanbul which stretched the logistics capacity of the Uthmani army beyond its limits and it was not able to sustain operations. Furthermore, due to the cold weather and disease, a lot of men were lost on the way to Vienna, most of those suriving were infantry not suited to siege operations. Some historians argue that Sulayman Al Kanuni's objective was never to conquer Vienna but to simply 'soften' it for future operations when he could muster more men. Certainly, the failed siege of Vienna was a success in that it made Austria wary of any misadventures into Uthmani territories, thus making them stick within their boundaries. Sadly however, this siege indicated the end of Uthmani expansion into Western Europe, marking what, some historians say, was the long and gradual decline of the Uthmanis.

In any case, not to be deterred, the Uthmanis attacked Vienna again in 1532, with an army thought to be over 250,000 strong. The attack almost ended up successful and was only repulsed approximately 100 KM south of Vienna, at the fortress of Güns. This was topped by the Uthmanis wrestling control of Baghdad from the Safavids in 1534. As for the Spanish, they had now control over waste swathes of land in Central and North America and thus saw fit to establish the Viceroyalty of New Spain in 1535, which allowed the Spanish to establish a Spanish center of government in the 'new world' in Mexico city to administer their holdings in the area and to direct further expansion.

On the same note, the 1530's were a period where there seems to be a temporary truce achieved between the Christians and Muslims in Andalus, wherein, the Christians would issue an edict or proclamation, Muslims, through "…bold and determined lobbying, were achieving some success in warding off the attentions of the advocates of an out and out campaign of conversion and assimilation. But bribes could not achieve permanent security, only temporary respites, (Ibid, 108)." However, being a minority population amongst majority population filled with hostile Christians, the Islam of the Moriscos was being eroded away gradually, in themselves and their children especially.

Furthermore, Muslims might have been forbidden to go to *Dar Al Islam* after the forced conversions, along with numerous restrictions on their travel, (such as leaving a security behind as to make sure the traveler would return), but they continued to clandestinely leave Spain to the *Maghrib* and elsewhere. They either left privately through local contacts or were taken by raiding Uthmani ships, (in the case of coastal cities), to safety in *Dar Al Islam*. Evidence of the routes they took is preserved in the copious archives still kept in countries like Spain, where a majority of the text written by the Andalusis in *Ajami* are preserved. Here is an example of one such itinerary that the Muslims of Andalus followed, (usually they would escape through France):

> "Canfranc[132], Sarrances, Oloron[133], to Nay, to Tarbes[134], to Toulouse, to Gaillac, Villefranche, to the Rhone, to Lyons in France, to Belonia [Bologna][135], la Grasa, to Milan.
>
> When you are four or five leagues from Milan, you will leave it on the right: you will pass behind the mountain so that you do not touch the land of the emperor: you will ask the road to Brescia, which is the first city of the Venetians. From there to Verona do not pass inside the city, for you will pay a real per person. There you will ask the road to Padua. There you will

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[132] City within Spain on the Aragon-France border
[133] A town in South west France near the border of Spain. They moved westwards to disguise their intentions
[134] They then moved eastwards through Nay and Tarbes
[135] While entering into Italy, they executed another subterfuge by shooting further east, then turning back north west towards Milan.

embark for Venice, from Venice to Valona or Durazzo or Alessio or Castelnuovo, the one of these ports that you find first.

Advice for the trip. At Jaca you will show your gold. If they ask you where you are going, (you will say) for debts, and that you want to retire to France: and in France that you are going to Santa Maria de Lorito.

In Lyons you will show your money, you will pay (a tax) of one piece out of forty of silver or gold. You will ask the way to Milan. From there on you will say that you are going to visit the lord San Marko [Marco] of Venice. You will embark in Padua on a river for Venice. You will pay half a *real* per head, and you will go to disembark at the square of San Marko. You will enter an inn, and before entering you will agree on a price for the room with bed. You will pay half a real per day. Do not eat anything in the inn, they will make you pay three times the value. You will go out to the square to buy what you need.

There those you will see with white turbans are Turks, those you will see with yellow ones are Jewish merchants of the Grand Turk [*khalifa*]. Of the former you will ask all you wish, for they will put you on your road. You will tell them that you have brothers in Salonika [Thessalonika] and that you wish to go there. You will pay a ducat per head for the passage. They will furnish you water and wood. You will put in provision for two weeks. You will buy stew and rice and oil and vinegar and olives and chickpeas or beans and fresh bread for eight days and biscuit at the rate of ten pounds per man, (Lincoln, 1939, 485)."

The Uthmani Mediterranean navy, under Khayr Al Din Pasha's command, was continuously mounting *ghazawaat* on the southern shores of Italy and Greece. Seeing the alarming and continuing advance of the Uthmanis both in the north on the borders of Austria on land and to his south on the southern coast of Italy on sea, Pope Paull III decided to assemble the Christian kings and unite them to fight the Muslims. At the end of September 1538, the Battle of Preveza took place near the coast of Greece between the Uthmani naval fleet, under the command of the *mujahid*, Khayr Al Din, (or Khidhr Ibn Yaqub), and the Holy League, which was assembled by Pope Paul III, consisting of Venice, Spain, the Papal States[136], Genoa and the crusading Knights of Malta. The Holy League resoundingly lost the battle, losing 128 ships, (out of 302 ships[137]), and 3000 of their men taken prisoner. The *mujahid*, Khayr Al Din, continued his jihad against the kuffaar by then taking his naval forces back east to take over almost all Christian outposts in the Ionian and Agean seas, (i.e. of the coasts of Greece and Istanbul, thus completely securing the waters in the immediate and intermediate vicinity of the *khilafa*.

To add insult to injury, Venice, (after single handedly taking heavy losses), sued for peace with the Uthmanis and thus, in 1540, a peace agreement was signed between the Venetians and the Uthmanis where the Venetians would give up their Islands in the Greek waters and pay the Uthmanis a reperation for war costs of 300,000 Ducats of gold, in return for the Uthmanis ceasing military operations against the Venetians, their possessions and their ships. It was more than suitable revenge for Khayr Al Din's defeat in 1535 at the hands of the Spanish, when they took Tunis away from

[136] The Papal States comprised of those territories over which the Pope was the ruler in a civil sense before 1870. This governing power is commonly called the temporal power of the Pope, as opposed to his spiritual authority over Catholics.
[137] 55 of the Ships were provided by Venice and 49 by Spain. These were the two largest Christian naval contributers to the battle, and subsequently after their loss, the ones hurt the most.

Uthmani control[138]. Imagine it! Asking a Christian army to not only, give their lands to you, but also asking them to reimburse you for the money spent on fighting the war against them! This was what a real Muslim ruler used to do, but alas today we only have men, (who can't really be called men), ruling us, who pay *kafir* countries to fight their wars against Muslims.

Elsewhere, in Ethiopia, the Portugese finally arrived to reinforce the Christian Ethiopian forces in Febuary 10, 1541, under the command of Cristovao de Gama, (Vasco De Gama's younger son) with approximately 400 musketeers (riflemen). The introductions of rifles into the equation tilted the war in favor of the Portugese and they won a series of inconclusive skimirshes with Imam Ahmad's forces. Imam Ahmed realized this and received, according to Jeronimo Lobo who was a Portugese Jesuit missionary, (who wrote an account of these events in the 17th century), 2000 muketeers and artillery from Muslims who volunteered from around the region, (quite few scholars say most of these men were from Yemen), and 900 men, especially chosen by the Uthmanis, (Lockhart, 201-217). A series of skirmishes resulted at the Battle of Bacente on February 1542 and The Battle of Jarte on April 1542 which resulted in resounding Portugese victories. However, after the heavy casualties and defeats, Imam Ahmed and all his men redid their strategy to fight the Portugese and received further Uthmani reinforcements. Furthermore Imam Ahmed, his men and their Emir had given *bayah* (pledge of allegiance), to the Uthmani *khalifa*, Sulayman Al Kanuni. On August 28th 1542, in the Battle of Wofla, the *mujahideen* defeated the Ethiopians and Portugese, with Imam Ahmad capturing and beheading the crusader Cristavao de Gama. After keeping the Portugese at bay for a year, the Muslims lost at the Battle of Wayna Daga on Febuary 1543, where Imam Ahmed also attained *shahada*. This resulted in the tapering of the *jihad* and ending soon after, resulting in an overall Ethiopian victory.

In the Americas, the Spanish commander Francisco Pizzaro after venturing from the newly captured territory of Panama southwards towards Peru, discovered the lands of the Incan[139] Empire in 1526. He received permission to conquer it and make it Spanish territory and engaged in fighting against the Incans from 1532-1542, leading to the Spanish control and the declaration of the Spanish Viceroyalty of Peru. Some of the Incan leadership fled to the mountains and resisted till 1573, leading, effectively, to the end of the Incan civilization, as had happened to the Aztecs before them. For the Spanish, the conquest of the Aztecs and Incans brought together two areas that were rich in silver and gold and mines were constructed rapidly. The extraction and shipment to Spain during this period made Spain an economic powerhouse, and by proxy, a military and political powerhouse as well. To illustrate this point, I have provided a table that contains within the total imports of wealth, (i.e. gold/silver and other commodities), from the Americas to Spain from 1503-1660, (all figures are given in Ducats[140]):

[138] Not to worry, the Uthmanis got back Tunis in 1574.
[139] The Inca began as a tribe in the Cuzco area, where the legendary first Sapa Inca, Manco Capac founded the Kingdom of Cuzco around 1200. Under the leadership of the descendants of Manco Capac, the Inca state grew to absorb other Andean communities. In 1442, the Incas began a far-reaching expansion under the command of Pachacutec, whose name literally means *earth-shaker*. He formed the Inca Empire.
[140] Which equaled to 375 *Murabits*/*Maravedis*

Period	Royal Imports (official government treasure)	Private (individuals/explorers)	Total
1503-1505	116,660	328,607	445,266[141]
1506-1510	256,625	722,859	979,484
1511-1515	375,882	1,058,782	1,434,664
1516-1520	312,261	879,575	1,191,836
1521-1525	42,183	118,821	161,004
1526-1530	326,485	919,640	1,246,124[142]
1531-1535	518,833	1,461,445	1,980,277[143]
1536-1540	1,621,062	3,104,408	4,725,470
1541-1545	909,346	5,035,460	5,944,806
1546-1550	1,911,206	4,699,247	6,610,453
1551-1555	4354208	7484429	11,838,637
1556-1560	1,882,195	7,716,604	9,598,798[144]
1561-1565	2,183,440	11,265,603	13,449,043
1566-1570	4,541,692	12,427,767	16,969,459
1571-1575	3,958,393	10,329,538	14,287,931
1576-1580	7,979,614	12,722,715	20,702,329
1581-1585	9,060,725	26,188,810	35,249,534[145]
1586-1590	9,651,855	18,947,302	28,599,157
1591-1595	12028018	30193817	42,221,835
1596-1600	13169182	28145019	41,314,201
1601-1605	7823863	21460131	29,283,994
1606-1610	10259615	27426634	37,686,248[146]
1611-1615	8655506	20778239	29,433,745
1616-1620	5217346	30917606	36,134,952
1621-1625	5869387	26543427	32,412,814
1626-1630	5542561	24402871	29,945,432
1631-1635	5680589	14852435	20,533,025[147]
1636-1640	5629564	13947959	19,577,522[148]
1641-1645	5723394	10944169	16,516,563[149]
1646-1650	1998135	12126521	14,124,656
1651-1655	2686654	6065867	8,752,520[150]
1656-1660	727829	3305510	4,033,339

[141] Due to the author of the source rounding up the source numbers, while still using totals that were not arrived at by using the rounded off numbers, resulted in minor errors. In this case, the sum of both private and Royal treasure is, according the numbers given, 445,267
[142] See note 131. Total should be according the numbers given, 1,246,125
[143] See note 131. Total should be according the numbers given, 1,980,278
[144] See note 131. Total should be according the numbers given, 9,598,799
[145] See note 131. Total should be according the numbers given, 35,249,535
[146] See note 131. Total should be according the numbers given, 37,686,249
[147] See note 131. Total should be according the numbers given, 20,533,024
[148] See note 131. Total should be according the numbers given, 19,577,523
[149] See note 131. Total should be according the numbers given, 16,667,563
[150] See note 131. Total should be according the numbers given, 8,752,521

Total 1503-1660	**140,863,304**[151]	**396,521,815**[152]	**537,385,119**[153]

(Source: "Imperial Spain: 1469-1716," p.175 by J.H. Elliott)

To begin, these figures are delineated between royal and private imports for a reason. Originally, the Spanish Crown had decided that all mines and commodities discovered in the Americas would be the property of the Crown. However, due to the danger and expense required by individuals to discover and exploit these mines, the Crown compromised and allowed those who had found these mines to have ownership over them, as long as they gave a fifth of their yield to the Spainish government, (Elliott, 174). As can be discerned from these figures, there was a huge spike in wealth inflows to Spain from the Americas from 1551-1610/1620. This correlates with the defeat of the Inca's and the consolidation of Spanish power over the area known as Central America today. Moreover the huge spike in imports that began after 1560 was due to "…a new method…for the refining of silver by an amalgam of Mercury…(ibid, 174)." It is estimated that between 1503 to 1660, approximately 16,000,000 kilograms of silver arrived in Spain, (enough to triple the silver resources of all of Europe!), and 185,000 kilograms of gold which increased the gold supplies of Europe by one-fifth, (ibid). Some estimates say the value of the Silver shipped during this period was close to 1.5 trillion USD by 1990 standards.

In 1558, another development comes to light regarding the settlement of these newfound territories of Spain. Apparently, Spaniards were loath to settle in the Rio De Plata area of the Viceroyalty of Peru. In an attempt to attract settlers, the Spanish government "…explicitly lifted the normal ban on foreigners, Jews and Muslims [to settle there], (Kamen, 2004, 132)." This revelation might be brushed aside as simply a proclamation of the Spanish government that might prove the existence of Muslim in 16th century South America. Nonetheless, it is backed by isolated appearances of Muslims in it, in the form of names in the registries of the Inquisition in South America, accounts from locals and and Eurpean explorers.

Staying in the Americas, it must also be mentioned that Muslims came along with the exploring armies of Spain into the Americas. The best known case of this is that of the Muslims slave, 'Estavan Dorantes,' or as he was also known, Mustafa Al Zemmouri. He hailed from the town of Azemmour, which is a coastal town in Morocco. After the Portugese conquest of that city in 1508, the Mustafa was taken as a slave and sold to a Spanish nobleman, Andrés Dorantes de Carranza. With him, Mustafa went to Cuba and Florida during a 1527 expedition of the new Spanish territories, in the capacity of not just a slave, but a commander. After the expedition was beset with problems, the four suriviving members of the crew, including Mustafa, tried to sail for the Spanish stronghold of Mexico to seek aid. However, they did not make it and spent four years enslaved by the Ananarivo people of the Louisiana Gulf Islands. They eventually escaped, into the American heartland, contacting other Native American tribes along the way. It remains to be speculated if he ever gave dawah to the natives of the area or that if he manifested his Islam openly while he was in the Americas. They got as far as present day Arizona, and through the Sonoran Desert to the region of Sinaloa in New Spain (present day Mexico), where they met up with the forces of the legendary conquistador, Hernan de Cortes. In 1539, Mustafa was one of the four who would accompany the

[151] See note 131. Total should be according the numbers given, 141,014,308
[152] See note 131. Total should be according the numbers given, 396,521,817
[153] See note 131. Total should be according the numbers given, 537,385,118

Spanish monk, Marcos de Niza as a guide in search of the fabled Seven Cities of Cibola[154]. However, the others were struck ill and Estevanico continued alone, opening up what is now New Mexico and Arizona. He was killed at the village, of the Zuni tribe, of Hawikuh (in present day New Mexico).

However, on a slightly more positive note, Turgut Ra'ees sailed and raided the Italian island of Sardinia and the Spanish coast in May of 1550, as was customary throughout the year. Under the Admiralship of Piri Ra'ees, (or Haji Muhiuddeen Piri Ibn Hadi Muhammad), the Uthmanis led a intense series of naval operations from 1547-1552 which captured, (and in some cases recaptured), territories that were under Portugese control such as Muscat, Aden, the islands of Kish and Hormuz, Qatar Peninsula and the Island of Bahrain. In June to August of 1551, the combined Uthmani fleets of Sinanudeen Yusuf Pasha, Turgut Ra'ees and Salih Ra'ees captured Tarabulus [Tripoli] from the Crusader Knights of St. John, (who had received it as a gift from the Spanish in 1523). In 1552 Salih Ra'ees and Turgut Ra'ees landed their men on the shores of the Italian cities of Lazio and Tuscany and assaulted them. Salih Ra'ees then proceeded to rain destruction on the *kuffaar* by sailing his ships to Mallorca[155] and proceeding to assault it too and capturing it. Upon hearing that the Saa'di ruler of Morocco, Muhammad Al Shaikh[156] was making moves to enlarge his alliance with Spain against the Uthmanis, Salih Al Ra'ees was depatched in 1553 to preemptively capture Morocco, (before it would turn into a staging base for Spanish expansion into the Islamic *Maghrib*). They managed to kill the Sa'adi king, Muhammad Al Sheikh in 1557. Furthermore, Shah Tahmasp, the ruler of the Safavid Shias, sued for peace after devastating wars with the Uthmanis, and signed the Peace of Amasya in 1555 which conclusively settle the Uthmani *khilafa's* eastern borders with the Safavids and ended hostilities between the two—for the time being. This allowed the Uthmanis to now focus on the growing European Christian expansion being carried out under the leadership of Spain and Portugal in the Mediteranean, Indian and Pacific oceans. Conversely, the Safavids took their eyes of their western borders and looked eastwards, where Humayun, the Mughal Emperor in exile who had stayed for more than ten years in the Safavid Shia royal court, now returned to recapture Delhi in 1555 with the aid of Safavid reinforcements. The Shias had tried to convert Humayun to become Shia, and it is questionable if they were truly successful in these attempts, (as reportedly he converted superficially to obtain aid from the Safavids and later recanted). In any event, Shah Tahmasp's condition to Humayun was that, when and if Humayun takes Kandahar, it was to become Safavid territory, in exchange for the military assistance they were providing Humayun. Humayan obliged. It can be speculated that the Safavids now freed from their wars with the Uthmanis look eastwards to expand their political and cultural influence and try to pull Mughal India into a state of alliance with them, and even into their sphere of influence. Perhaps this was the earliest example of the doctrine of strategic depth[157] being put into practice! On the European continent, Spain and France singed the

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[154] These are the Seven Cities of Gold existing only in a myth that originated around the year 1150 when the Muslims conquered Mérida, Spain. According to the legend, seven bishops fled the city, not only to save their own lives but also to prevent the Muslims from obtaining sacred religious relics. Years later, a rumor circulated that in a far away land—a place unknown to the people of that time—the seven bishops had founded the cities of Cíbola and Quivira. The legend says that these cities grew very rich, mainly from gold and precious stones. This idea fueled many expeditions in search of the mythical cities during the following centuries. Eventually, the legend behind these cities grew to such an extent that no one spoke solely of Quivira and Cíbola, but instead of seven magnificent cities made of gold, one for each of the seven bishops who had left Mérida.

[155] One of the Balearic islands off the east coast of Spain

[156] Mawlay Mohammed Al Sheikh Al Sharif Al Hassani Al Drawi Al Tagmadert

[157] Strategic depth is a term in military literature that refers, broadly speaking, to the distances between the front lines or battle sectors and the combatants' industrial core areas, capital cities, heartlands, and other key centers of population or military production.The key questions any military commander must ask when dealing with strategic depth are: How vulnerable are these assets to a quick, preemptive attack or to a methodical offensive? Conversely, can a country withdraw into its own territory, absorb an initial thrust, and allow the subsequent offensive to culminate short of its goal

treaty of the Peace of Cateau Cambresis ending years of hostilities in the Italian war of 1551-1559, undertaken by France, England and Spain. This now freed up Spain's hand temporarily to devote itself to fighting the war in the Indian Ocean against the Uthmanis.

In May of 1560, under the leadership of Piyale Pasha, the Uthmani navy dealt a devastating blow to Christian navies, when it defeated the Christian coalition of the Holy League in a matter of hours at the Battle of Jerba, (off the coast of Tunisia), making them lose more than half their ships and tens of thousands dead on the Christian side. In 1565 the Muslim Sultan of Aceh[158], A'la Uddeen Riayat Shah Al Kahar[159], gave *bayah* to the Uthmani Khalifa, Sulayman Al Kanuni, and requested aid to be sent to help Aceh defend itself from Portugese aggression. Help was dispatached in the form of a 22 ship squadron under the command of Admiral Kurtoğlu Khidr Ra'ees, containing men military equipment and supplies, in 1568. The ships arrived in 1569 and informed the *kafir* Portugese fleet in the area that Aceh was now a part of the Uthmani *Khilafa* and any attack against it, would count as an attack against the *khilafa*. The Portugese wisely stopped patrolling the area and left the vicinity of Aceh completely.

The Spanish pushed further through North American and conquered the present day US state of Florida in 1565. The territories under their control were now close to being equal to the Uthmani *khilafa*. However, I would stress, that in terms of wealth the Spanish were generating much more than their Uthmani counterparts. However, at the same time, as will be seen later, the Spanish were spending so much on their military machine and constant inter-european warfare, not to mention their wars against the Uthmanis, that they surprisingly would soon be bankrupt.

It must be understood, that during the previous 20 years, there was a flurry on naval activity on the Uthmani side with consistent *ghazwas* on European coasts to obtain *ghaneema* and slaves while keeping their *kafir* enemies at bay. At the same time, the same can be said about the Europeans force as well, (especially Portugal and Spain), and thus these engagements should not be seen as isolated engagements but rathers a series of enagements in a global war between the forces of Islam and Christianty at the time.

In Andalus, seeing the resounding Uthmani victory at Preveza and the disgraceful defeat dealt to the Spanish naval contingent by Khayr Al Din, a last ditch call for help was made by the Muslims of Andalus to the Uthmanis in 1541, to the *Khalifa* Sulayman Al Kanuni. The Muslims urged the

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and far from its source of power? In this context it might have been supposed by the Safavids that India could serve as their strategic depth, in that, in the scenario of an Uthmani attack from the west, the Safavids could retreat east to their Mughal allies who would then aid them and allow them to reorganize and mount a counteroffensive against the Uthmanis.

[158] The Sultanate of Aceh was a sultanate centered in the modern area of Aceh Province, Sumatra, Indonesia, which was a major regional power in the 16th and 17th centuries, before experiencing a long period of decline. Its capital was Kutaraja, the present Banda Aceh. At its peak it was a formidable enemy of the Portuguese-controlled Malaqa, both on the Malayan Peninsula, as they attempted to control the trade through the Strait of Malaqa and the regional exports of pepper and tin with fluctuating success. In addition to its considerable military strength, the court of Aceh became a noted center of Islamic scholarship and trade. Aceh saw itself continuing the *dawah* work of Malaqa after it was conquered by the Roman Catholic Portuguese. It became a center of Islamic scholarship, where the Qur'an and other Islamic texts were translated into Malay. Its notable scholars included Hamzah Pansuri, Shamsuddin of Pasai, Abdul Rauf of Singkil, and the Indian Nuruddin Al Raniri.

[159] Third sultan of Aceh, and was one of the sultanate's strongest warriors. He succeeded his brother Salahuddeen in 1537 or 1539 in a royal coup. His campaigns began with the Batak people, who lived to the south of Aceh, whom he attacked in 1539 when their ruler refused to embrace Islam.

khalifa to send Khayr Al Deen,[160] the famous Uthmani naval *ghazi*, who was the nemisis of Christian navies in the Mediterranean and beyond. They wrote:

> "The whole community joins to present this, our petition to our Sultan, may he ever be victorious. Let him come to our aid and send that mujahid, Khayr Al Din Pasha from Algiers, the man best fitted to bring us victory, feared as he is by the infidel [*kuffaar*], (Harvey, 2005, 336)."

One again, sadly, this plea too fell on deaf ears, and nobody came to the aid of the Muslims of Andalus, (either because of apathy, or preoccupation with Europeans elsewhere and the Safavid Shia threat). Just as a note it was true that the Uthmanis, the only defender of all the Muslims of the world at the time, were indeed preoccupied in Europe as their campaigns against Austria continued unabated upto 1543, wherein the Austrian Habsburg ruler Ferdinand I officially recognised Uthmani rule of Hungary in 1547, and thus ended hostilities with the Uthmanis. Nevertheless, in 1563 Turgut Ra'ees landed at the shores of Garnata and captured coastal settlements in the area like Al Munakkab [Almuñécar], along with 4,000 prisoners. He later landed at Malaqa as well, giving hope to the Muslims of the area.

In the Philipines, the Spanish got closer to dominating the Pacific. On Febuary 13, 1565, Spanish commander Miguel López de Legazpi's troops arrived in the Philippine, on the shores of Cebu, thus expanding their empire further in Islamic territory. After a brief struggle with hostile local tribesman, (most likely Muslim). Their ships drifted to the coast of Bohol on March 16, 1565 where they befriended with Datu Sikatuna and Rajah Sigala; López de Legazpi made a blood compact with the local Muslim chieftain, Datu[161] Sikatuna, as a sign of friendship between the two peoples. There,

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[160] He was an Uthmani admiral and naval ghazi who served in the Uthmani navy and in the Maghrib. He was also known as Barbarossa from Baba Aruj, his brother's name, after Aruj was killed by the Spanish in Tunisia, coincidentally also "Red Beard" to Europeans. *Barbaros Hayrettin (* خير الدين *Khair ad Din) Pasha* in Turkish. His original name in Turkish was Hızır bin Yakup, from the Arabic Khidhr 'ibn Ya'qub.

Khair al Deen (Khairuddeen Abdul Rahman) was one of four brothers: Ishaq, 'Aruj, Ilias and Khidr, who were born in the 1470's. The four brothers initially worked as sailors, and naval mujahids in the Mediterranean to counteract the piracy of the crusader forces of the Knights of St. John of the Island of Rhodes. Ilias was killed during a trading expedition, and 'Aruj was captured and imprisoned in Rhodes to be sold as a slave. 'Aruj later escaped from captivity, and went to Italy and from there to Egypt. There he managed to get an audience with the Sultan Qansuh al-Ghawri, who was preparing a fleet of ships to send to India. He gave him a ship, which 'Aruj manned with sailors and started attacking the islands of the Mediterranean that are controlled by Christians, from their base in Alexandria. Around 1505 'Aruj managed to seize three more ships and made the island of Djerba his base, thus moving his operations to the Western Mediterranean. His fame increased when between 1504 and 1510 he transported Muslim *Ahl Dajn* from Spain to the Maghrib. He was now known as Baba Aruj, meaning Father Aruj, for his fatherly care of Muslims in need, in Spain and France. In 1516, Aruj captured Algiers, then Tlemcen, causing Abu Hammu Musa III to flee. The best protection against Spain for Algiers and the Maghrib was joining The Uthmani Empire, Spain's main rival. For this he had to relinquish his title of Sultan of Algiers to the Uthamnis. Befitting his name of Baba Aruj, he did this and stepped down. In response, the Uthmanis appointed him governor of Algiers, Chief Sea Governor of the Western Mediteranean, and promised to support him. In 1518' Aruj was killed in a battle with the Spaniards, attempting to retake Tlemcen. He died at the age of 55, and Khair ad Din took his place, his name (Barbarossa) and his mission.

Khair ad Din defeated the Spanish army that tried to capture Algiers in 1529. In 1531, he captured Tunisia, causing the Hafsid king al-Hasan Ibn Muhammad al-Hafsi to flee. In 1533 Khair ad Din was made Admiral-in-Chief by the Uthmani Sultan. In 1535, al-Hasan asked the Spaniards for assistance, and Charles V prepared a campaign and recaptured Tunisia in that year. In 1538, the fleet of Charles V was defeated at the Battle of Preveza by Khair ad Din, securing the eastern Mediterranean for the Turks for 33 years.

[161] Datu or datto is the title for ancient tribal chieftains and monarchs in the Philippines. Together with sultan and rajah, they are also titles of royalty and currently used in Malaysia, Brunei, Philippines and Indonesia. These titles are the equivalent of European dukes and marquesses. The word *datu* was derived from two Malay words: *dato'* or *datok*, which

the Spaniards obtained spices and gold after convincing the natives that they were not Portuguese. In other words, the Legazpi fooled the Datu's to believe that Spain was there only to trade and not conquer them.

Using the same tactics that Hernando Cortes used to good effect in beating the Aztecs, Legazpi garnerned local allies, such as Datu Sikatuna, and went off to eliminate other Muslim rulers of the area during 1565-1567. In 1567, Spainish and Mexican soldiers and labors arrived in the newly secured territory of Cebu to establish a city and to build the port of Fuerza de San Pedro. This port was to become one the main trading posts with Mexico, but also the place where the Spanish would fortify themselves, akin to the Green Zone in Baghdad, in the event of the *mujahideen* operations in the area. The port allowed the Spanish to send spices and other commodities from the area to Mexico city, where they would then be transshipped to Spain, allowing for a south chain of supply and the acceleration of Spanish wealth accumulation. By 1569, the Spanish were exploring north of Cebu and establishing settlements along the the way. They also converted the local pagan inhabitants to Roman Catholics. They didn't have any luck with converting Muslims though. Aside from baptizing the pagan natives of the area and giving them Christian names, the Islands also lost its former name and from then on was known as Filipinas in honor of King Philip II. In May 1570, the Spaniards arrived in Manila and were shocked at the enormity of the harbor. There they once again struck an alliance with the local chieftain Rajah Sulayman III and pretended to not be belligerent. A week or so later, the Spaniards attacked Rajah Sulayman and his forces and defeated them. As a result the Spanish conquered Manila and its surrounding areas. Legazpi, a shrewd student of history, did not discard the local Muslims rulers, (the same was done with the Incas and Aztecs), but formed a peace treaty with the defeated local rulers: Rajah Sulayman, Rajah Matanda and Rajah Lakan Dula. Moreover, just as was done agains the Aztecs and Incas, the Spanish allowed the local rulers to establish a city council to administer Manila and its territories under the Spanish Crown, therein creating an illusion of independence and defiance on the part of the Muslim rulers, while maintaining true Spanish control over the area. In fact, they were no longer Muslims either, as apparently they converted to Christianity after their defeat. It is, however, possible that the Sultans accepted Christianity as a formality and not in actuality.

López de Legazpi finally established a permanent settlement in Manila on June 24, 1571, and he also ordered the construction of the walled city of Intramuros[162], (to serve as a Garrison against attack by local Muslims sultans). He proclaimed the town as the island's capital and permanent seat of the Spanish colonial government in the western Pacific Ocean. Moreover, with Spain's ownership of Manila harbor, naval trade between the capital of New Spain, Mexico city, and it flourished with the start of the Manila-Acapulco Galleon service, which transported not only goods, but also people in both directions. The naval trade flourished till 1815. In 1574, Raja Sulayman and Rajah Lakan Dula tried to revolt against the Spanish due to the excesses their forces committed, but to no avail.

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are royal titles of the Malays. In the traditional structure of Filipino Muslim societies, sultans were the highest authority followed by the datus, with their rule being sanctioned by the Qur'an. The Datu provided aid in emergencies and advocacy in disputes with other communities, through the *agamat*, or *shura*. In the Islamic period, they led raids on other villages. They may demand revenge (*maratabat*) for the death of a follower or upon injury to his honor. Datus continued to act as the community leaders in Muslim societies in Mindanao and administered the *Sharia* through the *agama*. The support of the datu was essential for government programs in Muslim communities.

[162] Which means 'Amongst the Moors' or amongst the Muslims

Legazpi recruited missionaries to convert the Muslims and pagans of the islands to Catholicism. Those who opposed his rule were tortured and executed, while those who supported him were awarded with encomiendas[163].

In Spain however, the sad state of affairs of the Muslims continued and the excesses of the Inquisition continued without respite. Additionaly, another development that occurred by the middle of the 16th Century CE, was that any one that had Muslims ancestors, (even if they had well and truly apostate to Christianity now), his children were barred from entry into "…Colleges and Universities, to benefices in many Cathedral churches, to most of the Religious and all Military Orders, to positions in the Inquisition and even in some places to municipal offices, (Lea, '2001,' 197)." Why was this so important? As Lea rightly states:

> "In a land where a career in ecclesiastical or secular office was the ambition of almost every one who had even a smattering of education, the barrier thus erected was a severe infliction on the more intelligent and influential Moriscos, (ibid, 198-199)."

This should be read carefully by those who love the system and 'justice' in their *kafir* countries of residence, especially in the west. It has already begun in America in numerous ways, where American citizens who are Muslim and worked for the Secret Service or the FBI are fired for obscure and concocted reasons, which are no more than simply an admission that being Muslim by name is enough to suspect your integrity! Or that wearing Arabic is a national security threat. Or that speaking in Arabic or any other foreign lanaguge is tantamount to legal conspiracy and attempts at planning terrorist acts. Or that praying five times, an obligation of this *deen*, a day is a sign of extremism. Do you people not see! You cant be part of their '*millah*!' Another example of this is found in Israel, which boasts arrogantly that it is a 'bastion of democracy' in a seaof tyrannies. Then how is it that Israeli Arabs that are part of the political system, have their parties routinely banned? Or how is that, as was the case almost ten years ago, that an Arab was nominated for Minister of Defense, but his nomination was removed for 'security reasons.' Mind you, he was not a Hamas supporter and probably would not have winked twice when killing Muslims, but just being a Muslim was enough for him to have his nomination rescinded!?

However, it was the youth of the Ummah that were tireless in their zeal of Islam and made it incumbent upon themselves to extirpate themselves from their predicament or die fighting. They understood that *Jihad* on Allah's path is successful in all outcomes, whether it is victory and achievement of the objective or *shahada* and achieving the pleasure of Allah (سبحانه و تعلى). Thus began what was to become the Al Bushra *Jihad*.

[163] The encomienda system is a trusteeship labor system that was employed by the Spanish crown during the Spanish colonization of the Americas. The purpose of the encomienda was to meet the needs of the colonies' early mining economy. Essentially, the encomienda was a legal system enforced by the crown, which lasted from the 16th century to the 17th century. The crown granted a number of conquistadores and soldiers a specified number of natives of whom they were to take responsibility for. The receiver of the grant was to instruct the natives in the Spanish language and in the Catholic faith. In return, they could exact tribute from the natives in the form of gold, labor, or any way possible (such as in corn, wheat or chickens). In other words not only did the Spanish brainwash and convert you to Christianity, but they also had the right to take your supplies and wealth while they were at it.

Chapter 3:
The Al Bushra Jihad 1568-1571[164]

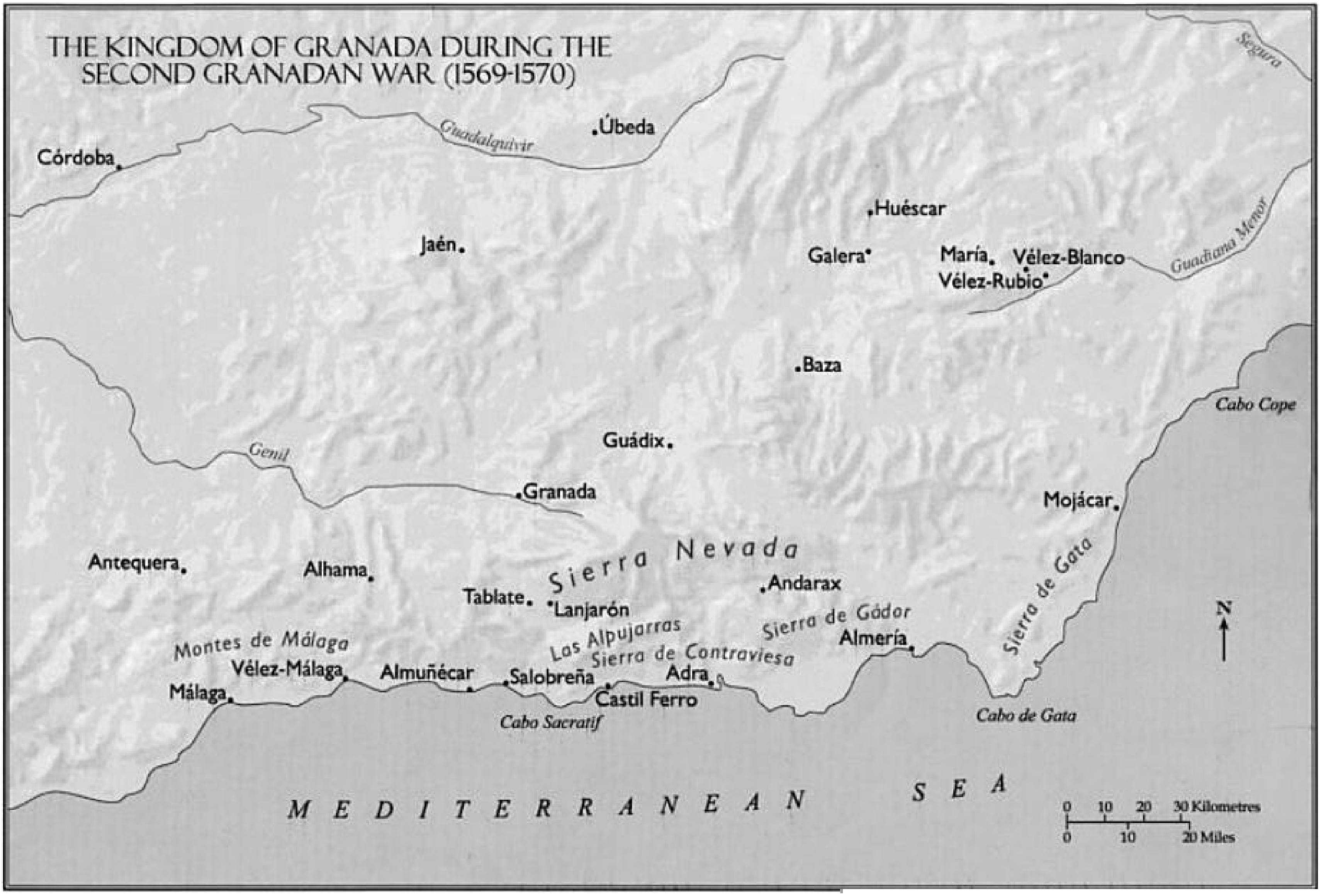
﴿وَمَا لَكُمْ لاَ تُقَـتِلُونَ فِى سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَآءِ وَالْوِلْدَنِ الَّذِينَ
يَقُولُونَ رَبَّنَآ أَخْرِجْنَا مِنْ هَـذِهِ الْقَرْيَةِ الظَّـلِمِ أَهْلُهَا وَاجْعَلْ لَّنَا مِن لَّدُنْكَ وَلِيّاً وَاجْعَلْ
لَّنَا مِن لَّدُنْكَ نَصِيراً﴾

And what is wrong with you that you fight not in the cause of Allah, and for those weak, ill-treated and oppressed among men, women, and children, whose cry is: "Our Lord! Rescue us from this town whose people are oppressors; and raise for us from You one who will protect, and raise for us from You one who will help."[165]

[164] In this chapter, I will be using Diego Hurtado De Mendoza's sixteenth century CE account of the Al Bushra *jihad* called "Guerra de Granada."
[165] Surah Al Nisa, Ayah 45



Córdoba
Baeza
REINO DE CÓRDOBA
REINO DE JAÉN
REINO DE MURCIA
REINO DE SEVILLA
Huéscar
Huelma
Iznalloz
Estepa
Moclín
Loja
Albaycín
Granada
Antequera
Ronda
Málaga
Albox
Vera
Galera
Baza
Guadix
Purchena
Serón
Tíjola
Tahal
Gérgal
Marchena
Félix
Terque
Cádiar
Ugíjar
Laujar
Válor
Juviles
Poqueira
Béznar
Los Guájares
Órgiva
Alpujarras
Berja
Adra
Almería
Frigiliana
Istán
REINO DE GRANADA
Mar Mediterrráneo


THE KINGDOM OF GRANADA DURING THE SECOND GRANADAN WAR (1569-1570)
Córdoba
Guadalquivir
Úbeda
Segura
Huéscar
Jaén
Galera
María
Vélez-Blanco
Vélez-Rubio
Guadiana Menor
Baza
Cabo Cope
Guádix
Genil
Granada
Mojácar
Sierra Nevada
Antequera
Alhama
Tablate
Lanjarón
Andarax
Sierra de Gata
Sierra de Gádor
Las Alpujarras
Almería
Montes de Málaga
Sierra de Contraviesa
Vélez-Málaga
Almuñécar
Salobreña
Adra
Málaga
Castil Ferro
Cabo Sacratif
Cabo de Gata
N
MEDITERRANEAN SEA
0 10 20 30 Kilometres
0 10 20 Miles

By the 1560's, life for Muslims in Spain became unbearable, now that the Spanish Inquisition had the right to examine those that had committed the crime of 'heresy' to the Christian faith. This constituted acts as simple as *salat* or speaking Arabic. For these 'crimes' one could disappear overnight and never be heard of for months while enduring torture and continuous questioning by the inquisitors. A captured text, allegedly caught by Spanish forces and allegedly written by a Muslim trying to describe the inquisition to those in the Maghrib, stated:

> "Anyone who praises Allah in his own tongue is surely lost, for if it comes to be known, they hunt him down, and catch him even if he is a thousand leagues away. They cast him in the great jail and terrorize him night and day, saying to him 'Beware!' The miserable prisoner is left with only his tears, with nothing but his power of *sabr*. They cast him into a terrible chamber, where he lies for a long time; a thousand ocean deeps open below him, and no swimmer, however strong can make his way up out, for this is a sea that cannot be traversed. Thence they take him off to the chamber for torture, and they tie him down to administer it, and inflict it on him until his bones break. Next they set up in the Hatabin Square a scaffold like that of Judgement Day. If any are delivered, they are dressed that day in yellow, and the rest are borne off to the flames, with effigies and frightful shapes. This enemy has tormented us terribly in every place. We have been surrounded as by fire. We are suffering an oppression that is unbearable, (Marmol, 86)."

As a sign of the aggressive shift towards a direct conflict with the Muslims of Spain, Philip II issued a proclamation on January 1st 1567 that issued new legislation to end all toleration of Muslim practices. He banned the speaking of Arabic or Berber, banned Muslim dress, (for women that mean the *jalabiyah* and for men the traditional Maghribi *thawb*), required Muslims to adopt Christian names, and ordered the destruction of all books and documents in Arabic script. Morisco children would be educated exclusively by Catholic priests. This edict superseded all before it and effectively broke the many promises of toleration offered previously. It set January 1st 1568 as the deadline by which all old Muslim clothes had to be replaced by Christian ones.

The Muslims of Garnata had realized the futility of their situation, and decided the time had come to fight. Around this time, a meeting was called of all Muslim notables of the area in the village of Cadiar in the foothills of the Al Bushra mountain range. Those present discussed the possible date of an uprising against the Spanish in Garnata, who would know about the operational details and method by which to restrict intelligence leaks from within their group. The committee decided that winter would be the best time "when the nights would be long enough for them to bring large forces down from the mountain under cover of dark and get them into Granada…(Mendoza, 43)," before the Spanish could realize what was afoot. The committee also agreed that Spanish warships, (which could bring Spanish reinforcements from elsewhere and block Muslim supplies and reinforcements from the Maghib), would be laid up and in dock. In addition, the date ascertained for the attack would be Christmas night, 1568, when all the Christianfolk of the city would be in Church, with their minds on repentence and not on war. The Muslims leaders decided that a strike force of 4000 Mujahideen from the Al Bushra mountains would, as part of phase 1, descend into Garnata's *Al Bayyazin* district and would:

1. Attack *Al Bayyazin* itself and assume command and control of it
2. While simultaneously attacking the Al Hamra' [Alhambra] palace, scaling its walls to infiltrate inside the palace (where the governor and the armed militia of Garnata resided), by attacking the main gate of the Al Hamra.' It was known that the Al Hamra' was not heavily defended by Spanish artillery or troops, (Ibid).

In phase 2, the Muslims assumed:

1. "As soon as they [the Muslims of the surrounding villages] heard the sound of firing…they were to storm the gates of the city…(Ibid),"[166] into the Christian half of city, killing the Christians in their path while assuming command and control of that half of the city

The method the committee decided upon to keep the plan secret and to avoid any leaks, while still being able to securely spread the details of the plan was to allow dissemination according to social strata's and age. In other words, "…the middle-aged and married men were told to confide with the middle-aged and married; the elderly and widowed, the younger men with younger men but circumspectly, taking ver great care to make sure that each new person to whom the secret was revealed was reliable, (Ibid, 43-44)." In the strategic sense, the plan was to take over Garnata and its center of power with a blitzkrieg raid composed of both seasoned mujahids and the common Muslims of the city in the form of a popular uprising. These recruiting methods were successful and continue to be successful today in contemporary *jihad*i groups, where one specific group springs to mind as an obvious example.

To understand, the reasons why these Muslims finally decided to fight the Spanish, a good introduction would be a ballad written by Muhammad Bin Muhammad Ibn Dawood, one of the leaders of the Al Bushra, who wrote in 1568 about the state of the Muslims of Andalus, (it was never received by its recipient, as it was intercepted by the Spanish):

> "…Listen while I tell the story of sad Andalusias fate—Peerless once and world–renowned in all that makes a nation great; Prostrate now and [en]compassed round by heretics with cruel force—We, her sons, like driven sheep, or horsemen on unbridled horse.
>
> Torture is our daily portion, subtle craft [i.e. subterfuge] our sole resource, Till we welcome death to free us from a fate that's ever worse. They have set Jews to watch us, Jews that know nor truth nor faith,
>
> Every day some new device they frame to work us further scaith.
>
> We are forced to worship with them in their Christian rites unclean,
> To adore their painted idols, mockery of the Great Unseen [Allah].
> No one dares to make remonstrance, no one dares to speak a word; who can tell the anguish wrought on us, the faithful of the Lord?...
>
> They [Christians] have framed a false religion; idols sitting they adore;
> Seven weeks fast they, like the Oxen who at noon-tide eat the more. In the priest and confession they their baseless law fulfil, And we too, must feign conversion, lest they work us cruel ill…
>
> Long they keep him [Muslims] wasting, rotting, in the dungeon foul and black,
> Then they torture him until his limbs are broken on the rack,
> Then within the Plaza Hatabin [Souq Al Hattabin/wood market] the crowds assemble fast,

[166] It must be remembered that there was a city wall between Al-Bayyazin, (The Muslim quarter), and Garnata proper, (The Christian quarter). This is akin to the Jewish ghetto's in Eastern Europe.

> Like unto the Day of Judgement they erect a scaffold vast.
> If one is released [i.e. not killed], they clothe him in a yellow vest,
> While with heideous painted devils to the flames they give the rest [i.e. the rest are burned to death].
>
> Thus are we encompassed round as with a fiercely bunring fire, wrongs past bearing are heaped on us…
>
> Each one of their [Christian] petty despots thinks that he can make the law, each invents some new oppression…
>
> …Our wise men [*Ulema*] counsel us to look to Allah with prayer and fast, for through woes that make youth aged, He will pity us at last!
>
> …Whoso chants these rugged verses, let his prayers to Allah arise, that His mercy may vouchsafe me the repose of Paradise [*jannah*]! (Lea, '2001," 434-437)."

The state of these Muslims of andalus was filled with misery and hardship with many dreaming of leaving for *Dar Al Islam*. The other that could not had been pondering how to rectify their situation and realized the time had come to fight back.

Muslims had been writing to the Uthmanis and the kings of the disparate and fragmented Maghribi kingdoms, (such as those included in the Appendix O and P, the letters sent to the Mamlukes in 1501, and the 1541 letter to the Uthmanis asking them to send Khayr Al Din to help them towards liberations from slavery to the Christians), to no avail. However, the Muslims of Al Bushra began preperations for *Jihad* by "…collecting war supplies, choosing strong places deep in the mountains in which to store and hide them. The armourers got busy, making new weapons and repairing those which for many years had been kept hidden; merchants were sent out to buy new ones wherever they could…(Mendoza, 44)." In addition the Muslims continued to keep the lines of communication open with the Muslims Sultanates of the Maghrib by illegally sailing back and forth between Spain and the Maghrib. The Andalusi envoys kept the kingdoms abreast of developments in their preparation, while persisting that the Maghribis should help them by way of men and firearms. As Allah (سبحانه و تعلى) says:

﴿ وَأَعِدُّواْ لَهُمْ مَّا اسْتَطَعْتُم مِّن قُوَّةٍ وَمِن رِّبَاطِ الْخَيْلِ تُرْهِبُونَ بِهِ عَدْوَّ اللَّهِ وَعَدُوَّكُمْ وَءَاخَرِينَ مِن دُونِهِمْ لاَ تَعْلَمُونَهُمُ اللَّهُ يَعْلَمُهُمْ وَمَا تُنفِقُواْ مِن شَىْءٍ فِى سَبِيلِ اللَّهِ يُوَفَّ إِلَيْكُمْ وَأَنْتُمْ لاَ تُظْلَمُونَ ﴾

And make ready against them all you can of power, including steeds of war to strike terror into the enemy of Allah and your enemy, and others besides them, whom you may not know but whom Allah does know. And whatever you shall spend in the cause of Allah shall be repaid unto you, and you shall not be treated unjustly.

Agreement was reached between the leaders at the Cadiar meeting and a second clandestine strategy meeting was arranged in the village of Churriana, outside Garnata. They held the meeting at a Christian gathering place and pretended to be part of a Christian brotherhood intent on worship. Natually, the Garnatan government and King Philip would never suspect anything amiss from these Christian brotherhoods. The committee during the meeting to send out spies, dressed up as beggars to every corner of Garnata to collect not only geographical intelligence in terms of optimal routes to transport supplies for the Muslims, what routes would be used by the Spanish and optimal locations for defense, but also:

a) Troop strengths of the Spanish in the many garrisons they kept over the territory of Garnata.
b) The amount of provision that can be extracted from any key location if needed.

In addition, wherever these men went, they collected donations from all people encounterd, (more like than not, some people really thought they were beggars). They made "…the able bodied men between the ages of twenty and forty-five contribute at a different rate to the elderly, the women, the children and the infirm, (Ibid, 45)." By calculating the total amount received and the amount received by each person, they were able to calculate how many able bodied men there were, ready to fight. In other words, now they had an approximate estimate of troop strength by which to compare against Spanish troop numbers.

Events began to accelerate in terms of planning, recruiting and logistics within Garnata, with the glaring absence of help from the Maghrib, or elsewhere, as of yet. On 27th September 1568, the decision was taking by the Muslims of Al Bushra to elect a king of their own to not just unite them, but to lead them in this war, which would help unite the Garnatans behind the cause, (due to the fact that one of their own would be leading them, instead of a Maghribi general that might arrive prior to the beginning of fighting). The most notable character in this mileu was Don Fernando de Valor 'Al Sagheer' or as he was known through his Arabic name, Ibn Jawhar[167]. He convinced the Muslim notables to take this step and on that night at the meeting he spoke:[168]

> "Consider how you have been oppressed and abused by men in public office and men with no office at all. You are no less slaves than if you were slaves in law and name. Your women, your sons, your wordly possessions and your own persons are in the power and at the beck of your enemies. There is no real hope that you will escape from this servitude for centuries to come. You have as many tyrantsas you have enemies and every year brings new impositions, new taxes and exactions.
>
> They have taken away the right of men fleeing from the vengeance of their law to take refuge in seigniorial estates. This, we must admit, is the most justifiable of their actions but they have also taken away the right of sanctuary in their churches, though they fine us heavily if

[167] This might be a clue as to where Ibn Jawhar hails from as the tribe of Banu Jawhar had mainly settled in Qurtuba when Andalus was opened for the Islamic dawah by Tariq Bin Ziyad.

[168] Don Fernando de Valor 'Al Sagheer' did exist but the text of this speech comes from Diego Hurtado de Mendoza account of the Al Bushra *jihad*, whose family members had fought against the Muslim during this *jihad* and were part of the Spanish military. In fact they were part of the ruling establishment of Garnata. So therefore this speech is to taken with a pinch of salt. I have only included since it includes interesting facts, that no Christian could not possibly have understood or known, and in my view, at least some portions of this speech are genuine while others reveal a perpective on the excesses of the Christians upon the Muslims of Garnata.

we don't go, and the fines go to enrich their clergy which is something which must stink in the eyes of both Allah [Allah] and men [Muslims].

Amongst the Christians we treated as Moors [Muslims] and despised Moors [Muslim], whilst our own Moorish [Muslim] brethren treat us not as Moors [Muslims] but as renegades to the Christians, and neither help nor trust us.

We are excluded from all that makes life good and we are not even allowed to defend ourselves. They forbid us to speak our own language but we do not understand their Castilian. In what language are we to exchange thoughts, ask for things, give things? Without language, men cannot treat with other human beings. Not even animals are forbidden to understand human voices.

Who is in a position to say that a man who speaks Castilian cannot hold the law of the Prophet or that the men who speak Arabic cannot hold to the law of Jesus?

They force our sons to join their church congregations and go to their schools where they teach them skills that the elders of our people forbid them to learn lest they become confused and lose their purity and begin to question and mock the truth of the The Law [*Shariah*].
Hourly, they threaten to tear our children from their mothers arms and their fathers care and send away to far distant countries where they will forget our way of life and learn to be enemies of the fathers who engendered them and the mothers who bore them.

They order us to leave off our Moorish [Muslim] clothes and dress in the Castillian manner. Even amongst the Christians, the Germans dress in one manner, the French in another, the Greeks in another, the friars in quite a distict manner and the Christian boys dress quite differently from the Christian men.

Amongst the Christians, each nation, each profession, each group and rank and station of mankind has a distinct way of dressing and they are all Christians, and we are all Moors [Muslims] and so we dress in the Moorish [Muslim] fashion: it is as if they wish us outwardly to conform even when we are not conforming in our hearts

None of us has an income big enough to buy new clothes for all the children and grown up members of his household and dress them in the Christian manner. How can he? He is not allowed to sell the clothes that they are already wearing. Even if he were, who would be allowed to buy them? Or to wear them? But just say that he did spend every penny that he has on dressing them as Christians, how would he and his then eat?

Perhaps they want us to become beggars? But there is not Christian who would give us anything because there is no Christian who would believe that we are poor[169]. They all think we are immensely rich and that is why they beat us and torment us for they are greedy for the wealth that they believe we have got.

[169] The popular myth at the time was that all Muslims were rich and they were hoarding unimaginable wealth, while pretending to be poor. This myth is similar to the contemporary myth that all Jews are rich.

There is nobody who will help us. We Moriscos [forcefully converted Muslims] suffer this misery and poverty because the Christians will not accept us or let us live amongst them as their neigbours and equals.

During the wars against Castile, our forefathers became so impoverished that when the Alcaidi [Qa'id/leader] of Loja [Lawsha] married his daughter he had to borrow clothes for the wedding. Many of you must know that story, some of you I think are descended from him. Al Atar was one of our great men, a fine soldier, a man of substance, Alcaidi [Qa'id] of Loja [Lawsha]. He was so impoverished by years of war that when it came to his daughters wedding, he had to borrow all the clothes. But which of us has not got enough moneyleft him by the Christians to buy a new suit of clothes? What can we do to earn money? Do they allow us to farm? Or trade? Or manufacture? Or provide them with any kind of service? You know as well as I do they do not allow us to earn money in any kind of way and yet we are expected to throw away all our old clothes and buy new ones!

And that is not the end of it. They have taken away our negro slaves and forbidden us to keep white ones because now that we are Spaniards we are white men and white men don't keep white slaves. Which is all very well but we bought our slaves with hard cash and brought them up and maintained them our of our own pockets.

Must we suffer this loss on top of all others? What can men like us do? They take away our sons so we no longer have sons to serve us nor have they left us the wherewithal to pay servants. What happens if we fall ill? Or have an accident? If we grow old? What can we do except prepare for death?

And there is something else as well as you all know. We Moors [Muslims] are used to have our wives and daughters walk veiled and dutifully look after us and serve us in our houses, and those people have ordered them to uncover their faces and now they are coveted, and even stolen and raped, that is, if they're honest. And if they are dishonest? You know as well as I do that there are girls who take advantage of being unveiled in order to encourage the lewd advances of young and old in a way that was never possible for them before.[170]

And is that all? No, it is not. Our fathers and grandfathers taugh us to keep our houses decently closed, for both religion and caution enjoin that a Moor [Muslim] should keep his house shut against strangers. They have made it a crime for us to lock or bolt our doors. They wil no even permit us to bar our windows or the slits in the walls of our houses. They are so afraid of us they make us keep our houses open and so we have to live at the mercy of thieves and scavengers and shameless and daring adulterers and any of them can say to himself, 'Tommorow or the next day at such and such a time I will be able to pillage this Moors [Muslims] house or that Moors [Muslims] house; tied up this Moor [Muslim] or that Moor [Muslim] by his toes and find out where his money is, sidle around and rape or seduce this or that Moor's [Muslim's] wife or daughter.'

And is that all? No, it is not. They take away not only our security, our farms, our livelihoods, our honour, but our whole way of earning a living as well...

[170] I think he is referring to the booming Muslim prostitution trade along with Muslim girls that were not prostitutes officially but flirted and fraternized with young and old Muslim men.

And is that all? No, it is not. They have forbidden our baths. If we are not to be allowed to wash, how can we remain clean or healthy?
We, as a people, have always had our Moorish [Muslim] baths from remotest antiquity. The lives, in particular, of our women, have always centered around them. How can they be expected to live without them? You see them now in their houses, miserable, filthy, ill. How can they be expected to be happy if they are not clean? But how can they get clean if they are forbidden to go near the bath houses? And the bath houses are all being destroyed and our women are miserable and they are not even allowed to wear the rightful clothes of a Moorish [Muslim] woman.

And now let me turn and remind you of the state of Christendom, of the divisions between the Catholics and heretics in France, of the rebellion in Flanders, of the behaviours of the English. Now that the old queen is dead and there is a new one on the throne, Madrid can no longer rely on them and let me remind you of the Flemish exiles who have fled to Germany to implore their princes help against Spain—Spain whose king is short of money, short of experienced experienced troops, short of galleys[171] for his navy. Those which he has are mostly patched up and old. The rowers are rebellious. The captains and sailors are discontentedfor the Royal Spanish Navy is manned with pressed[172] men.

If we rise up and surprise them, not only the kingdom of Granada but that part of Andalusia that used to belong to us in the past and is now in enemy hands can be regained in the first rush, or else, if you so decide, we can restrict the revolt to our own Granada[173].

We have wild, rough mountains, valleys that plunge into the depths, sierras that rise into the sky, narrow roads through the high mountains that lead past precipices and into gorges from which there is no escape.

Our troops are able, ready, practiced [trained], experienced; hardened to stand heat, cold, thirst, hunger; equally ready to attack, to disperse over the country, to meet the enemy in the field, army to army.

It will be Spaniard against Spaniard and we are now many and we are well supplied with food and not nearly so short of arms as we were at the beginning when we were ill armed and very under prepared.

And what if some of our fighting men are still unarmed? Are there not stones lying at our feet which are weapons enough against an unarmed enemy?

And now I say to all of you who have come here that if there are any of us who have not sufficient confidence in the rest of us or have doubts about the great undertaking that lied ahead of us all, then we might just as well not have come together.

For years now, we have all been companions in persecution and adversity, so let us now resolve to bring things forward and to work together for victory for there is no way in which

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[171] Type of ship
[172] Conscripts. i.e. men who are forced to fight and did not volunteer.
[173] i.e. within the Spanish defined territory of Granada

the crimes against us can be avenged, nor the evil that has been done to us undone, nor to hold on to anything that we possess—even our very lives—unless we rid ourselves of this slavery by the sword!

We must be united. We must be resolute. We must concert all our strength and all our forces against them.

To do that my friends we must choose ourselves a chief and we must decide whether he should be our sheikh or our captain or our alcaidi [qa'id] or—if we are of mind—our king who will lead us justly and surely foreward, (Ibid, 47-52)."

After this rousing speech, the nobles present were exhilarated and energized, ready to begin this *jihad* by picking a ruler and to fight till either one of two victories is achieved: victory on the battle field or *Shahada*. The shura were looking at a prospective candidate in the form of Don Fernando de Cordoba de Valor, or otherwise known as Muhammad Ibn Ummaya, who was the nephew of Don Fernando 'Al Sagheer,' and was apparently a descendent of the Ummawi [ummayad] line and a descendent of the Prophet (صلّى الله عليه وسلّم). However, Ibn Jawhar, afraid that momentum was being lost and that there was a threat that information might leak out to the Spanish regarding the attack date, thus decided to call a third meeting to push all parties into action. At the meeting, 26 Muslim representatives from around the Al Bushra Mountains were present and there they selected Muhammad Ibn Ummaya as their king and he "…swore to live and die by the Law of the Prophet [*Shariah*] within his kingdom and to defend the Law [*Shariah*], and his kingdom, and all his subjects, and all his vassals, (Ibid, 55)." He appointed his commanders and appointed as General of all his troops, his uncle Ibn Jawhar. The commanders were instructed to inform the troops and captains under them across the various areas of operations the time and date to begin the attack. One can clearly see that the Muslim had learnt many lessons over the previous rebellions that had taken place after the fall of Garnata in 1491:

a) They based their actions of the *Shariah* and decided to state their intentions and such
b) By way of creating a *shura* they united the various forces and were able to group, concentrate and task separately the forces available to them.
c) Moreover, they were able to now attack in multiple locations simultaneously and achieve synchoronization between various forces under their command
d) Muslim intelligence was up to the task, and in general their preparation was also up to the task as far as they were concerned with arms, ammunition and training.
e) Operational security had brilliantly thwarted Spanish intelligence, (also the timing of the attacks was impeccable as Spain was preoccupied with affairs abroad and paid less attention to domestic threats). Furthermore recruiting was not open and was done in structured way which allowed very little critical information to leak out of the recruiting network.

The Beginning of the Al Bushra Jihad:

After his designation as General of the Muslim armies, Ibn Jawhar headed back to Cadiar on 22nd of December 1568, where his home and lands were. As fortune would have it Captain Herrera of

the Spanish Army was travelling with forty cavalrymen[174] from Garnata to Adra and decided to stop in Cadiar to rest. Ibn Jawhar spotted Herrera and his men and began a hasty ambush by persuading "each householder who had a cavelryman billeted[175] on him to murder that man during the night, (ibid, 56)." The Spanish troops were thoroughly inebriated after a night of drinking and, more likely than not, did not resist and were eliminated without a fight. The spark had been lit and the first battle of the *jihad* had occurred.

It has to be remembered that tensions had begun to rise in Al Bushra and the inhabitants had been close to beginning fighting on Holy Thursday[176] 1568 and also in September 1568 as well, (ibid, 57). In the end, 23rd December, 1568 was the date set by Emir Ibn Ummaya's *shura* and he decided to send messengers to:

a) Every corner of the Al Bushra mountains
b) Al Meria valley, (whose inhabitants had previously promised to rise when the Muslims of Al Bushra rose up)
c) Granada and the surrounding countryside to survey morale of the Muslims and to see their commitment to participating in fighting the Christians.

Faraj Ibn Faraj[177], Emir Ibn Ummaya's deputy, gathered together an elite team of 150 mujahideen and created a *shura* to decide on how to proceed with utilizing the resources at hand which were 6000 willing and able men, (albeit not armed as well as the Spaniards). Phase 1 seemed as it was proceeding as planned as Spanish Galleys were out to see and all Christians were focused on Christmas. However, heavy snowfall occurred over the Sierra Nevada, (which is the mountain pass that leads to Garnata from Al Bushra), which led to many of the Muslim divisions that were meant to cross into the *Al Bayyazin* district in Garnata were impeded and had to turn back. However, Ibn Faraj, not knowing of this development, and undeterred, resolved to cross over to Garnata in any case with his 150 mujahideen. Faraj's men reached *Al Bayyazin*, they ran through the streets, inciting the Muslims to join in the *jihad* against the Christians and fight to liberate Garnata for Islam, (while apparently also claiming, that help from the Magrhib and the Uthmanis would come as well, insha'Allah), and Allah (سبحانه و تعلى) said:

﴿فَقَاتِلْ فِى سَبِيلِ اللَّهِ لاَ تُكَلَّفُ إِلاَّ نَفْسَكَ وَحَرِّضِ الْمُؤْمِنِينَ عَسَى اللَّهُ أَن يَكُفَّ بَأْسَ الَّذِينَ كَفَرُواْ وَاللَّهُ أَشَدُّ بَأْساً وَأَشَدُّ تَنكِيلاً﴾

[174] horsemen

[175] During the European Middle Ages, warfare was still based on feudal design and most soldiers were conscripts from the lands of the captain or noble that led them. In other words, they were forced to fight. Moreover, as they moved along territory, the people of those territories were expected to provide food to the soldiers and allow troops to billet in their homes, which meant to stay in their homes as long as they required, (some countries and territories had drafted time limits for billeting of troops as the Spanish had done in the Treaty of Garnata in 1491).

[176] The Thursday before Easter

[177] He was from the highly influential tribe of Banu Siraj who were influential in Andalus and especially in Garnata during the Muslim period

Then fight in the cause of Allah, you are not tasked (held responsible) except for yourself, and incite the believers (to fight along with you), it may be that Allah will restrain the evil might of the disbelievers. And Allah is Stronger in might and Stronger in punishing.[178]

The Muslim that rose up in *Al Bayyazin* went around churches destroying graven images/idols within them, as Marmol says:

"…They hacked venerable Images to pieces…(Carvajal, 95)"

After the arrival of Faraj Ibn Faraj, two of the Muslim leaders in *Al Bayyazin*, Al Thagari and Monfarrij, began the second part of phase 1, which was to attack the Al Hamra'. Both they and 50 of their best men went to the Al Hamra,' "…taking with them seventeen great scaling ladders…(Mendoza, 60)," in order to assault the fortress. However, as reinforcements did not arrive from Al Bushra as planned, the assault was cancelled. Only with the help of reinforcement would the assault be able to be executed and be successful.

Moreover, the Muslims of the surrounding villages of Garnata did not join Muslim forces since the Muslims of Al Bayyzin had not and they hadn't heard artillery fire, which was the agreed signal of the start of the offensive, (ibid). The operation had gone from bad to worse and Ibn Faraj realized the Muslims were too scared to rise up against the Christians, (much like how we Muslims are around the world when speaking about challenging the might of America or Europe). Shaykh Abdullah Azzam said once:

"However, men, as they make their accounts, often disregard the superpower which directs the universe, and to which all matters return:

﴿وَلِلّهِ غَيْبُ السَّمَاوَاتِ وَالأَرْضِ وَإِلَيْهِ يُرْجَعُ الأَمْرُ كُلُّهُ﴾

'*To Allah belongs the unseen of the heavens and the earth and to him goes back every affair [for decision].*'[179]

So worship Him, and put your trust in Him.

﴿وَمَا رَبُّكَ بِغَافِلٍ عَمَّا تَعْمَلُونَ﴾

And your Lord is not unaware of what you do'[180]

They overlook, as they make their human and wordly considerations, the statement of Allah, the Exalted:

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[178] Surah Al Nisa, verse 84
[179] Surah Hud, Verse 123
[180] Ibid

﴿أَلَيْسَ اللَّهُ بِكَافٍ عَبْدَهُ﴾

'isnt Allah enough for his servant?'[181] Ofcourse [He is]!

…

﴿وَيُخَوِّفُونَكَ بِالَّذِينَ مِن دُونِهِ﴾

'*And they try to frighten you with others beside Him!*' Like the 'superpowers'

﴿وَيُخَوِّفُونَكَ بِالَّذِينَ مِن دُونِهِ وَمَن يُضْلِلِ اللَّهُ فَمَا لَهُ مِنْ هَادٍ﴾

'*And they try to frighten you with others beside Him! And he who Allah causes to stray, no one can guide*'[182]

﴿وَمَن يَهْدِ اللَّهُ فَمَا لَهُ مِن مُّضِلٍّ أَلَيْسَ اللَّهُ بِعَزِيزٍ ذِي انتِقَامٍ﴾

'*And for he who Allah guides no one can lead astray, Isnt Allah exalted in power, lord of retribution?*'[183]

Without a doubt!

The people disregard this issue and you will only hear Muslims repeating:

"How can such and such thing happen when America isn't happy about it? And how did such and such action succeed when Russia is angry?"

It is as if-and Allah is high above what they think, greatly exalted [is He]–America and Russia have become Allahs next to Allah, the Exalted.

Why? Because Allah cannot be beaten, cannot be defeated. His powers cannot be lowered. And this is what has been forgotten by the superpowers and those who revolve around the superpowers to the extent that it has been forgotten by many good Muslims."[184]

Ibn Faraj rode off with his men, frustrated with the hesitation of the Muslims of *Al Bayyazin*, and rode out of Garnata to a house close to the Wadi Shaneeli, (River Genil), called Dar Al Hoot. He awaited reinforcements from Al Bushra, and when they did not arrive, he rode back to Al Bushra.

However, that is not to say that the Ibn Faraj's incursion was not successful, as they succeded in terrorizing the enemy. Imagine! 150 men scaring the Spanish King and his army! The very spain

[181] Surah Zumar, Verse 36
[182] Ibid
[183] Surah Zumar, Verse 37
[184] Al Sahab, "Knowledge Is For Acting Upon," released in 2006.

that was a superpower in its own right during the end of the 16th century with its monopoly over central and south American gold! Sound familiar? Indeed it does. We need only look back a few years to 1988, to the waning years of the *Jihad* of Afghanistan when 20 or so people decided that the momentum of *jihad* garnered in Afghanistan should be harnessed to liberate all lands under overt *kufr* occupation, (e.g. places such as Andalus), or under covert control by puppets of the *kuffaar*. Moreover from the efforts of those 20 or so people, and by the will of Allah (سبحانه و تعلى), it took 19 believing and righteous men to shake the world and terrify the *kafir* world order to its knees. Diego Hurtado Mendoza described the scene in Garnata thus:

> “The slightest suspicions set off full scale alarms, everybody ran hither and thither and then ran back to their homes…Laughter went. People were worried, hurried, afraid and uncertain. No one any longer trusted anyone else, no one felt safe any more, anywhere…houses were emptied, shops shut, trade stopped. People started to go to work at irregular hours…(ibid, 65).”

Allah (سبحانه و تعلى) says:

﴿ تُرْهِبُونَ بِهِ عَدْوَّ اللَّهِ وَعَدُوَّكُمْ وَءَاخَرِينَ مِن دُونِهِمْ لاَ تَعْلَمُونَهُمُ اللَّهُ يَعْلَمُهُمْ ﴾

Strike terror into the [hearts of the] enemy of Allah and your enemy, and others besides them, whom you may not know but whom Allah does know[185]

Once again I ask: Does this sound familiar? It should. After 9/11, The National Institute on Drug Abuse, National Institutes of Health released a report on depression and drug abuse after 9/11 in America, (emphasis is mine):

> “Survey respondents reported **post-attack rates of depression and PTSD that were approximately twice the baseline levels previously documented in a 1999 benchmark national study.** Some 9.7 percent had symptoms of depression, and 7.5 percent qualified for a diagnosis of PTSD compared to baseline levels of 4.9 percent for depression and 3.6 percent for PTSD.
>
> In looking at rates of new substance use among respondents, the researchers found that, of respondents who did not use these substances during the week before September 11, 3.3 percent started smoking cigarettes after September 11; 19.3 percent started drinking alcohol; and 2.5 percent began using marijuana. Overall, the percentages of respondents who smoked, consumed alcohol, and used marijuana increased 9.7 percent, 24.6 percent, and 3.2 percent, respectively, after the attacks.
>
> **Almost 29 percent of respondents reported that they were smoking more cigarettes and/or marijuana and/or drinking more alcohol**. Among those who were already using these substances before September 11, **41.2 percent smoked more cigarettes and 41.7 percent drank more alcohol after the attacks**. Among smokers, 8.2 percent smoked at least one additional pack of cigarettes a week; 20.8 percent of drinkers had at least one additional drink a day.

[185] Surah Anfal, Verse 60

‘The survey results are significant for the sheer numbers of people revealed to be affected by the disaster, the scope of the problem on a citywide scale, and challenges to the delivery of services,’ says Dr. Vlahov. He estimates that of the approximately 911,000 people in the area of New York under study, **67,000 had PTSD and approximately 87,000 had depression** at the time of the study. Likewise, he estimates that **265,000 people increased their use of any of the substances in question**:

- **89,000 smoked more cigarettes,**
- **226,000 consumed more alcohol, and**
- **29,000 used more marijuana.** (Medicinenet.com).”

Also included in the report is that a sizeable number of people had symptoms of panic attacks during or soon after 9/11, lost their personal possession due to 9/11 and/or lost their jobs due to the attacks.

Back in Garnata, in response to the Muslim raids, Christian reinforcements started streaming in from around Garnata and its surroundings. The Marquess of Mondejar orchestrated the efforts, evacuating those Christians in villages where he though the mujahideen would attack first while setting up a defensive perimeter around Garnata. He addition sent Don Diego de Quesada with a company of infantry and one of cavalry to secure the bridge at Tablate, (this bridge was on the main road that linked Al Bushra with Garnata and so was a strategic asset that needed to be secured). The bridge was 7 KM west of Lanjaron.



Finally Muslim reinforcements had begun to make their way towards Garnata. It had been decided that the reinforcements should be split into two divisions, where one division would head towards the strategic town of Orgiva, while the other would attempt to link up with Ibn Faraj. The group sent to Orgiva was 2000 men strong that were divided into 20 batallions, (or *banderas*), of 100 men each, capable of sustaining independent combat operations in the event of a siege. The siege began unsuccessfully and the mujahideen tried to mount upon the walls of the city and to attempt to use a battering ram, but due to the extensive fortification and preparation of the Christian defenders, the siege ground to a halt. The mujahideen called out to the Christians of the city to surrender. In fact,

they ordered the Vicar of Poqueira, (a priest in Muslim possession), to call upon the Christians to surrender in exchange for the mujahideen sparing their lives. The vicar was also told to say that if those of the city that wished to become Muslim, accepted Islam, "they would be able to retain their property and pass it on to their descendents, (ibid, 67)." The siege continued without any decrease in intensity.

The second group marched towards Garnata and intended to link up with Ibn Faraj, went past Lanjaron and got to Durcal, where a heavy presence of the Marquess of Mondejar's troops was present. Seeing the odds, they regressed to the village of Laujar with Ibn Ummaya, (who had earlied rode out from his home territory of Valor on his own towards Garnata to incite the people, but stopped due to the presence of Spanish troops), at the heart of the Al Bushra mountains. Seeing that the rebellion didn't accomplish its objectives and that the blitzkrieg strategy of taking over Garnata overnight did not happen, the Muslims tried a different approach by setting up an emirate based from Laujar where Sharia would be implemented and where command and control of troops could be based at. At Laujar they held a ceremony for all the people of the village and all areas around where Ibn Ummaya celebrated his selection as emir and reiterated his selection of General of the Muslim Army, (Ibn Jawhar), and his deputy, Faraj Ibn Faraj. Ibn Ummaya was already married and took three additional wives as to cement the political and tribal alliances between the Muslims of Al Bushra.[186]

After the formalization of the rule of the Emir, there are reportedly increasingly frequent killing and torturing of Christians by Muslims living in conquered Christian areas. There are also reports of Churchs being looted and defaced. However due to the nature and source of these reports, (i.e. Christian sources), they necessarily have to be doubted at first glance. However, these incidents are entirely possible and probably did happen. What would you do if you were able to get back at your tormentors, (i.e. the Christians), and were now in the majority? Isn't it realistic to say that you might at the very least be tempted to torture and torment your former tormentors? In any case, Ibn Ummaya passed a decree that "neither man nor woman was to be killed without cause, and no child under ten years of age, (ibid, 69)." In the meantime, Ibn Ummaya, sent his brother Abdullah Ibn Ummaya to Uruj Ali Pasha[187], the Uthmani governor of Jaza'ir [Algiers] to relay word of Ibn Ummaya's selection as the Emir of the Muslims of Al Bushra and soon, Insha'Allah, Garnata as well. He also requested aid from Uruj to sustain the newly founded Emirate and to give Bayah to the Uthmani *khalifa*, Salim II. Uruj promised a variety of items and sent Abdullah off to Istanbul to meet with the *khalifa* and his ministers. Back in Garnata, the villages of Al Meria that hadn't declared their allegiance with the Islamic Emirate of Garnata, now did so.

In order to dislodge Spanish troops from the Tablate bridge Emir Ibn Ummaya assembled approximately 3500 troops to dislodge the Spanish, (Ibid, 74). However, these troops were "…armed with arquebuses or crossbows but some only had slings or bows and arrows, (Ibid)." The subsequent intense attack forced Don Deigo de Quesada to retreat from the bridge north to Durcal. Upon hearing of this disaster, the Marquess of Mondejar raised troops to mount a counter offensive and end the

[186] One of his new wives lived with him, the other was from Wadi Al Mansur, while the last was from Tavernas. However, due to Ibn Ummaya's first father in law and his brothers in law from the original marriage did not give bayah to him, it is reported that he killed them and divorced his first wife, (Mendoza, 68).

[187] Uluj Ali was born as Giovanni Dionigi Galeni in Italy. On 29 April 1536, Giovanni was captured by Ali Ahmed, one of the captains of Khayr Al Din Pasha, and was forced to serve as a galley slave. After several years, he converted to Islam and joined the corsairs. He was a very able mariner and soon rose in the ranks. Further success soon enabled him to become the captain and owner of a galley, and he gained a reputation as one of the boldest 'Ra'ees' in the *Maghrib*

siege at Orgiva. He appointed his son, the Count of Tendilla, as his deputy to administer Garnata and the Al Hamra' in his absence. The Marquess set out for Orgiva on Febuary 3rd with a force of eight hundred infantry and 200 cavalry along with a large number of conscripts, (ibid, 73). The Marquess stopped in Padul to wait for other conscripts that were converging upon his forces from all over the Spanish province of Andalusia. However, at the hearing of firing at Durcal, it was understood the Muslims forces were assaulting Spanish troops, (Don Diego de Quesada's forces that had just retreated from Tablate). On detecting the approach of the Marquess, wisely lifted the assault and melted away into the mountains. The Marquess decided that he would push the offensive from Durcal and not retreat back to Padul and certainly reinforcements that had just arrived, helped him immensely. After the arrival of reinforcements on the 6th of Febuary 1569, the Marquess had 1800 infantry forces and 290 Cavalry troops. Prior to the arrival of these troops, on January 11th 1569, the Marquess was able to dislodge Muslim forces from Tablate bridge and the mujahideen once again retreated and melted away into the mountains. A critical mistake was committed by the mujahideen at the Tablate bridge as they did not destroy the bridge completely and the Marquess's men were able to march across into the Al Bushra mountains. If the bridge had been destroyed it would delayed Spanish troops further and would have made them take a much longer route, (which would have resulted in them being fatigued, short of supplies and thus becoming easy targets for ambushes along their path). In Orgiva, the Marquess's forces were successful in dislodging the mujahideen, wherein had the Marquess come any later, "…the place would inevitably have fallen, so short was it of food and water, so exhausted had its defenders become, (Ibid, 75)."

Ibn Ummaya and the *mujahideen* retreated to Poqueira, (next to the Poquiera river) where the Marquess, newly reinforced with even more infantry and cavalry, continued his pursuit. Due to the overeagerness of the Marquess, the Muslims, with their 4000 troops, had set up a planned ambush at a mountain pass in Poqueira. The arranged themselves in a classic formation where the center was weak and the sides were stacked with troops, (as to trap the opponent between the flanks). They camouflaged their right wing behind a hill, (which consisted of 1500 crossbow and Arquebusier men). A secondary ambush had been kept further down stream to increase losses on retreating Christian forces after the first ambush and/or to attack Spanish forces in case the first ambush was not effective. On the side of the Marquess, he brought with him 2000 infantry and three hundred cavalry. However, the biggest threat to his troops was that the narrow roads leading to Poquiera made them march single file, (albeit protected by Arquebusier men), made them an ideal target for ambush, (especially if Muslim forces had gained superiority of the higher ground). As the marquess began marching towards the river, he was enveloped from all sides by the mujahideen, (knowing full well that Spanish troops were exhausted from the long march). However, a division under Don Francisco de Mendoza's, (one of the Marquesse's sons), command managed to attain the higher ground and were able to lay down suppressing fire on the mujahideen below. The mujahideen regressed further into the Al Bushra mountains towards Lubien after losing 600 of their brothers. The *kuffaar* suffered 700 dead and a great many wounded, (ibid, 77). In any case, the mujahideen tormented the Marquess by killing one of the notables of Garnata, Alonso Portocarrero.

In the end, the Marquess occupied Poqueira and his troops thoroughly sacked the city, carrying away large amounts of spoils, while taken Muslim women and children as slaves. As is the norm in Guerilla warfare, Ibn Ummaya and his troops organized an ambush for the Spanish at the well fortified and advantageous Juviles pass with reinforcements. It must be duly noted that Andalusi warfare, even in its zenith, was not molded around the European model of massive cavalry charges and frontal assaults. Rather skirmishes, hit and run attacks and ambushes, (what we now recognize as 'guerilla warfare'), were a large part of the strategy of Muslim armies in the peninsula from as early as the 13th Cenuty CE. In fact Don Juan Manuel, (son of Infante Don Manuel), who had fought

agains the Muslims in Andalus himself, wrote in his 14th century military arts book, '*Libro de los Estados*':

> "The warfare of the Moors [Muslims] is not the same as that of the Christians. In war they can fight at close quarters, or skirmish amongst their orchards, or attack in raids [cabalgadas] or 'hit and run' [correduras] assaults against the communications and "rear areas" of their enemies, or they fight in single combat. In fact [their warfare] is very fragmented [varied] in one way or another, (Nicolle, 599).

So no one should even think about airing the doubts that guerilla warfare is foreign to Muslims or that it is something exotic imported from the strategems of Communists like Mao Tse Tung, (and his theories on mobile/maneuver warfare), or Ernesto 'Che' Guevara. In fact even if we go back to the time of the Prophet (SAWS), we find that warfare before the opening of Makka, was almost exclusively hit and run raids and small unit combat, (barring major engagements such as Uhud and Badr). Moreover, in the beginning, Muslims were always numerically and technologically inferior to *mushrikeen* of Makka, (barring the innovation of the trench, provided by Salman Al Farsi (RH), used during the Battle of Khandak), but yet the *jihad* continued, unlike today. I would even go as far as to say, that Guerilla warfare, especially against the enemy we are fighting today, is not only the most 'Islamic' warfare that is possible. By 'Islamic' I mean, that due to the great discrepancy in numbers between us and the enemy, and they technological edge, we don't even have a chance to fool ourselves with the notion that 'we,' by our human will and means can win the war, while forgetting that if Allah wills victory for you, he will give it. This delusion happens when we are superior in number, (as was the case at Uhud), and we become arrogant and boastful and start assuming that victory is assured when clearly it is not. This is a type of warfare, and a type of war, that one can only engage in when they give up their desires and false notions, and have complete and utter *tawakkul* on Allah. In general, Muslims should not be scared of numerical superiority of the enemy as not only do we as Islamic examples to shatter this myth, but also of contemporary examples.For one, the Cuban revolution led by Fidel Castro was started by 20 men fighting from the Sierra Maestra mountains against the American backed Batista government! Imagine that! In Americas own backyard, and even with the naval base at Guantanamo, the Americans could not stop what a mere 20 men started! In the Chinese revolution, Mao Tse Tung lost more than 93,000 men of his 100,000 man force during the 'long march' while being pursued by a larger and better equipped American backed nationalist Kuomintang army, but yet, as we all know, Mao was able to defeat the nationalist forces. I could go on and on, but it is odd that the kuffaar, with their false man made ideologies, (or for that matter, lack of ideology), are not afraid to fight against large odds, then how is that the *Ahl Al Qibla*, (Muslims), and the *ummah* of the Seal of the Prophets, (SAWS) and the people of *tawheed*, are afraid? If we die, we get *shahaada*, (if Allah wills), and if we win, then we establish Islam in the land and gain *ghaneema*. It is truly absurd that today if we were to simply count the size of the three major 'Muslim' armies of the world, (Egypt, Saudi and Pakistan), by including the their active personnel, reserves and paramilitary forces, (based on 2006 figures), you would arrive at 2,792,500 troops![188] I didn't even include those who are elegible to be part of the army or the *mujahideen*! With more than 3 million troops, (not counting *mujahideen* that are not part of national

[188] Pakistan forces tally at 1,449,000, while Egypt is 1,109,000 and Saudi is 234,500. The figures for Pakistan and Saudi are based on figured from 2006 in respective reports for both countries by the Center for Strategic and international Studies. Egpytian figures are based on a study by Tel Aviv University. In fact, if were to take the major Muslim militaries of the world, (Pakistan, Saudi, Egypt, Bangaldesh, Syria, Turkey, Indonesia, Malaysia, UAE, Oman, Qatar, Bahrain, Kuwait, Sudan, Morocco, Algeria, Mauritania, Iraq, Jordan, Afghanistan, Kazhakistan, Yemen, Uzbekistan and Tunisia) we would arrive at a total in excess of 6,893,889 troops, (without mentioning the trillions of dollars worth of military hardware these armies possess respectively).

armies), the Ummah can not fight ant like occupation of Aghanstan, which at its most as around 100,000 troops? Or free Iraq from occupation by a likewise Lilliputian NATO/American occupation force? Or the land of the first Qibla (Palestine)? Ask yourselves, especially the critics of the *mujahideen*, if this situation makes sense to you? Are your rulers really worried about 'hikmah' in dealing with *jihad* and freeing Muslim lands or are they in reality what we have been saying they are for years, traitors? What good is an army that keeps bleeding our economies dry, keeps tyrannies alive, forbids jihad, and most farcically, can't win a single war against the *kuffaar*? Knowing what you know now, and the unbelievable treachery of these rulers, how can you still support the rulers of our lands?

However, due to indiscipline and their rage at losing their women, children and wealth to the Christians, they did not hold their position, and instead charged towards the Christians, leaving their position of strategic advantage, unraveling the ambush. 800 mujahideen descended upon the Christian camp during the lunch time meal break which resulted in heavy Muslims losses with only injuries for the Christians, (Mendoza, 79). We need to pause here and reflect the mistakes made during this rushed assault:

1. If the Muslims were disciplined, (in the training and temperament), they might have achieved slightly more success.
2. This lack of judgement and training led to the loss of Muslim lives that could have been avoided and did not accomplish the objective of freeing Muslim captives and killing and/or capturing the Spanish forces.

Bad news was in the air as Ibn Jawhar, Ibn Ummaya's General, had apparently sent a letter to the Marquess asking for peace terms. In other words, he was circumventing his Emir and was offering to surrender the Muslim army. Allah (سبحانه و تعلى), says:

﴿يَـــأَيُّهَا الَّذِينَ ءَامَنُواْ أَطِيعُواْ اللَّهَ وَأَطِيعُواْ الرَّسُولَ وَأُوْلِى الأَمْرِ مِنْكُمْ فَإِن تَنَازَعْتُمْ فِى شَىْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الأَخِرِ ذٰلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلاً ﴾

O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination.[189]

And the Prophet (صلَّى الله عليه وسلَّم) said:

عن أبي هريرة رضي الله عنه عن نبي (صلَّى الله عليه وسلَّم):

[189] Surah Al Nisa, verse 59

﴿من أطاعني فقد أطاع الله، ومن يعصني فقد عصى الله.

ومن يطع الامير فقد أطاعني، ومن يعص الامير فقد عصاني﴾

Abu Hureira (رضي الله عنه) narrated that he heard the Prophet (صلَّى الله عليه وسلَّم) saying: "He who obeys me, obeys Allah; and he who disobeys me, disobeys Allah. He who obeys a Muslim ruler, obeys me; and he who disobeys a Muslim ruler, disobeys me[190]

And:

عن عرفجة رضي الله عنه قال: سمعت رسول الله (صلَّى الله عليه وسلَّم) يقول:

﴿إنّه ستكون هنات و هنات، فمن أراد أن يفرق أمر هذه الأمّة وهي جميع فاضربوه

بالسيف كائنا من كان﴾

Arfajah (رضي الله عنه) narrated: I heard the Messenger (صلَّى الله عليه وسلَّم) saying: "Commotions will erupt in the near future. If anyone tries to disrupt the affairs of this Ummah while they are united, you should strike him with the sword whoever may he be[191]*.*

Lets be clear, this obedience is only in righteousness, So if '*Wali Al Amr*[192]' Abdullah Al Saud or any other '*fulan*[193]' Al Saud, Musharraf, Zardari, Bouteflika, Karzai or Maliki, says for you to join the army and kill Muslims or not go to *jihad*, then clearly that is not obedience in righteousness. As the Prophet (صلَّى الله عليه وسلَّم) said:

﴿إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوف﴾

Obedience is only in righteousness[194]

To clarify the point, Ibn Kathir states in the Tafsir of Surah Al Nisa, verse 59:

> *[The Ayah] was revealed about `Abdullah bin Hudhafah bin Qays bin `Adi, who the Messenger of Allah sent on a military expedition." This statement was collected by the Group, with the exception of Ibn Majah At-Tirmidhi said, [it was]"Hasan, Gharib". Imam Ahmad recorded that:*

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[190] Bukhari 2957 and Muslim 1835
[191] Sahih Muslim. Hadith #: 1852
[192] Literally "Guardian of the affairs", usually meaning the ruler of the people
[193] Arabic word meaning 'etcetera' or as we say in 'xyz' to describe something generically or without giving its name
[194] Sahih Muslim. Kitab Al Imarah, Hadith #: 1840. Also in Sahih Bukhari, Hadith #: 7257. Also in *Musnad Ahmed*

Ali said, "The Messenger of Allah sent a troop under the command of a man from Al-Ansar. When they left, he became angry with them for some reason and said to them, `Has not the Messenger of Allah commanded you to obey me' They said, `Yes.' He said, `Collect some wood,' and then he started a fire with the wood, saying, `I command you to enter the fire.' The people almost entered the fire, but a young man among them said, `You only ran away from the Fire to Allah's Messenger. Therefore, do not rush until you go back to Allah's Messenger, and if he commands you to enter it, then enter it.' When they went back to Allah's Messenger, they told him what had happened, and the Messenger said:

﴿لَوْ دَخَلْتُمُوهَا مَا خَرَجْتُمْ مِنْهَا أَبَدًا، إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوف﴾

Had you entered it, you would never have departed from it. Obedience is only in righteousness[195] *This Hadith is recorded in the Two Sahihs.*

Abu Dawud recorded that:

Abdullah bin `Umar said that the Messenger of Allah said:

﴿السَّمْعُ وَالطَّاعَةُ عَلَى الْمَرْءِ الْمُسْلِمِ فِيمَا أَحَبَّ وَكَرِهَ، مَا لَمْ يُؤْمَرْ بِمَعْصِيَةٍ، فَإِذَا أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَة﴾

The Muslim is required to hear and obey in that which he likes and dislikes, unless he was commanded to sin. When he is commanded with sin, then there is no hearing or obeying[196]

Imam Ibn Kathir provides one more hadith to clarify the issue:

`Ubadah bin As-Samit said, "We gave our pledge to Allah's Messenger to hear and obey (our leaders), while active and otherwise, in times of ease and times of difficulty, even if we were deprived of our due shares, and to not dispute this matter (leadership) with its rightful people."

The Prophet said:

﴿إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا، عِنْدَكُمْ فِيهِ مِنَ اللهِ بُرْهَان﴾

"Except when you witness clear Kufr about which you have clear proof from Allah"[197]

Word was relayed to Ibn Ummaya from his spies of Ibn Jawhar's letter and from that point, Ibn Jawhar went into hiding due to his treachery and fear for his life. This episode illustrates a concept we are in desperate need of learning in today's world. It has to be recalled, that Ibn Jawhar

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[195] Sahih Muslim. Kitab Al Imarah, Hadith #: 1840. Also in Sahih Bukhari, Hadith #: 7257. Also in *Musnad Ahmed*
[196] Sahih Muslim. Kitab Al Imarah, Hadith #: 1839. Also in Sahih Bukhari, Hadith #: 7144
[197] Sahih Muslim. Kitab Al Imarah, Hadith #: 1709. Also in Sahih Bukhari, Ahadith #: 7055, 7056

was the man that made that stirring speech in 1567 that began the *jihad*. It was Ibn Jawhar who was the catalyst who organized and launched the *jihad* and was the General of the Muslim armies, (and at that, he had fought bravely as well). However, it is this same man that created *fitna* amongst the Muslims and was the first to disobey his Emir. On the surface, you might understand this, but now try to apply this to today's groups and movements. We have sadly moved into the era of the cult of personality where we worship and follow the leader of that group instead of Allah. Muslims had been emphatically been supporting Hamas when they were actively fighting the Jews and even gave them the benefit of the doubt when they participated in democratic elections in the West Bank and Gaza, (albeit democratic elections have a proven track record of failure for Islamic parties such as the fiasco with the FIS, Front Islamique de Salvation, in Algeria in 1991 and the brutal and ongoing crackdown on the Ikhwan Al Muslimeen, Muslim Brotherhood, in Egypt). However, after the promises of implementing *Shariah* and continuing the *jihad* against the Jews, neither of the two materialized and people still clung onto these groups and their leaders, (even after guidance was provided to them and considerable time had passed). Hamas even started adhering to UN resolutions, negotiating with Russia and holding talks with the international community. In fact, they killed members of Jaish Al Islam to free the *kafir*, Alan Johnston. Then finally the death knell came as they announced they had no intention of applying *Shariah* in their territories. However, unlike Ibn Ummaya and the Muslims of Garnata, we still hold on to these symbols, (and that is all they are), of the *jihad* and mujahideen that were. The same principal applies when talking about people such Ahmed Shah Masood or Abdul Rasool Sayyaaf. Both were mujahids during the Afghan *Jihad* but when the decsisive fight was made apparent where were they? Sayaaf works for the government and apparently thinks its more important to be part of the Loya Jirga, (which he is a member of), than activating his old funding and logistics networks that would help in the fight against the Hubal of this era, America and its NATO allies. What about Masood? Even Shaykh Abdullah Azzam praises him in his books as a mujahid[198], but we all know him and his northern alliance were a continuous nuisance prior to 9/11 for the Taliban and were outright treacherous after 9/11 when they colluded with the Americans. Masood, prior to his assassination by the two brothers from the Maghrib, (one of whom's wife is in custody of the authorities in Belgium at the time of this writing), went around EU countries asking for aid and openly offering to team up with the *kuffaar* to kill and defeat the Taliban. There was nothing lower he could have done than that, and his lackeys did not do much better as they inflicted massacre upon massacre alongside their American masters at Pul e Charki, Qila Jhangi and elsewhere. Were they heroes in the past? Yes. Are they traitors now? Yes. Should we follow them? No. This applies to the current righteous leaders of the *jihad* such as Shaykh Usama and Shaykh Ayman. If they were to stray as Masood and company have, (May Allah save us and them from that), then we would advise them to reform themselves, and if they do not, we do not follow them and push them aside because *jihad* is *fee sabeelAllah*, (in the path of Allah), not *fee sabeelUsama*, (in the path or for the sake of Shaykh Usama bin Laden), or *sabeelalqaeda*, (in the path of or for the sake of Al Qa'eda). As the Prophet (صلَّى الله عليه وسلَّم) says:

وعن أبي موسى الأشعري (رضي الله عنه)؛ أنّ رجلا أعرابيّا أتى النّبيّ صلى الله عليه وسلم فقال:يا رسول الله! الرّجل يقاتل للمغنم، و الرّجل يقاتل لويذكر، والرّجل يقاتل ليرى مكانه؛ ومن في سبيل الله؟ فقال رسول الله صلى الله عليه وسلم:

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[198] Look in Shaykh Abdullah Azzam's book, 'Join the Caravan,' on p. 14, where he says that Masood is "the most brilliant commander in Afghanistan"

﴿من قاتل لتكون كلمة الله أعلى؛ فهو في سبيل الله﴾[199]

A bedouin came to the Prophet (صلَّى الله عليه وسلَّم) and said: "O Messenger of Allah! One man fights for booty, another fights to win fame, and the third fights for showing off. Which of them is fighting in the Cause of Allah [fee sabilAllah]?" The Messenger of Allah (صلَّى الله عليه وسلَّم) said: "He who fights so that Word of Allah [Islam] remains superior, is the one who fights in the Cause of Allah [fee sabilAllah]."

The Marquess continued his march towards Juviles and found very little resistance and took possession of it while saking the village and taking the Muslim men, women and children as slaves, (except those that helped and collaborated with the Spanish). The greed of the Spanish was phenomenal and in their quest for spoils, they started molesting a Muslim woman to see if she had any money on her. When some Muslim men saw this they rushed to defend her and the Spanish drew their swords in response. It was a massacre where, in the end, hardly "any of the male Moors [Muslims] were left alive, a large number of their women were dead too…(ibid, 81)." However, as precarious as the situation was, two of Ibn Ummaya's general collected 1500 troops to launch a counter offensive to recapture Tablate bridge, knowing full well that due to the position and size of the Christian lines, the bridge constitute the rear end of the Christian army. If the mujahideen were able to capture the bridge, they would be able to cut the supplies of the Christians, resulting, potentially, in the defeat of the Christians. Due to the low numbers guarding the bridge, the mujahideen were able to retake the bridge without resistance. However, they held on to it briefly as, when they hard of the large Christian force coming to retake the bridge, they melted away into them mountains. This is vaguely familiar to the current tactics employed by the Taliban today.

Christian operations continued and they continually pushed deeper into the Al Bushra area and were achieving success agains the mujahideen. After one such operation, Deigo de La Gasca, the commander of the Adhra [Adra] garrison, got word that the recently conquered town of Turon was hiding mujahideen amongst them. De la Gasca checked the town and found nothing out of the ordinary, but nevertheless, he went back again to check where in a Muslim man appeared from one of the houses. He told De la Gasca that he had a letter for him. As Deigo opened the letter, this brave Muslim assassinated De la Gasca and wounded two of his soldiers before achieving *shahada*.

Spanish forces had successfully retaken the key towns of Poqueira, Juviles and Paterna which were key towns that were on the main path to Garnata. Losses incurred on Muslim forces and civilians were heavy and some local Muslim commanders were killed during this phase of the campaign. To cut their losses the mujahideen and Muslim civilians decided to move further uphill to avoid and fortify their positions to protect against Spanish forces. On the other hand, it was a good idea, but it put Muslim positions out of attacking range of the Spanish, in that the mujahideen were no longer able to attack Christian forces. However, as is true today in the *jihad* against crusader forces today, as quickly as the Marquess of Mondejar took over Muslim strongholds, the *jihad* spread elsewhere in places where there previously was no support for the *jihad* or mujahideen. In places

[199] Sahih Muslim, Hadith #: 1904 and Sahih Bukhari, Hadith #: 2810

such as Sierra de los Guajeras, the Lecrin Valley and Al Munakkab, (Almunecar). In other words, the Spanish had crushed the revolt in the mountains, but the flame of *jihad* had now flared outside the mountains and towards the coastline from the west in Al Munakkab to the west in Almeria. The people of the three areas mentioned previously rose up with 3000 men armed with Arquebuses, crossbows, lances, short spears, slings and whatever else they could fashion a weapon out of. 1500 of these men were military age while the rest were slightly older and perhaps even *shuyukh*, (i.e. 60 years or older)! The men elected two peaks and fortify their positions and elected as their leaders, Marcos Al Zamar and Giron, (ibid, 90). Spanish forces, alarmed at the growing rising of Muslism, sent their forces to these areas to crush the rebellion. In the meanwhile, many mujahideen and ordinary Muslims began surrendering to the Spanish, (perhaps appreciating their chances of victory against a vastly numerically superior Spanish army), after a series of brutal assaults, hoping for a pardon, (but they were mistaken, and death was their end). Especially during the Sierra de Los Guarjeras, the Spanish army adopted a 'take no prisoners' strategy, where the left trails of dead bodies of men, women and children in their wake. In fact, "the Marquess ordered that no one was to be spared, whatever their sex or age. The pillage was terrible, and so was the killing, especially of the women, (ibid, 96)." Mendoza continues by saying about the Muslims of The Waljar mountains, (Sierra de Los Guejares):

> "They rushed forward to meet death on our swords, as if to die well were now the most important thing they had left in the world, (ibid)."

Allahu Akbar! Inspite of their weakness they never gave up fighting and revived the Sunnah and the examples of the *Sahaba*[200]in the land of Garnata where the Spanish had tried tireless, (without success), to eradicate Islam for almost half a century.

The plunder and pillage of Spanish forces continues wherever they conquered and it was said of the Marquess of Mondejar's men that they "…were ruffians who maintained themselves by robbery and spent their energies bartering, increasing or holding onto what they had plundered: libertines with little shame and less honor, (ibid, 103)." Moreover, it was also said of that that, "that they were unwilling to serve unless they heard the chink of cash: robbery was their wages, greed their spur, (Ibid, 107)."

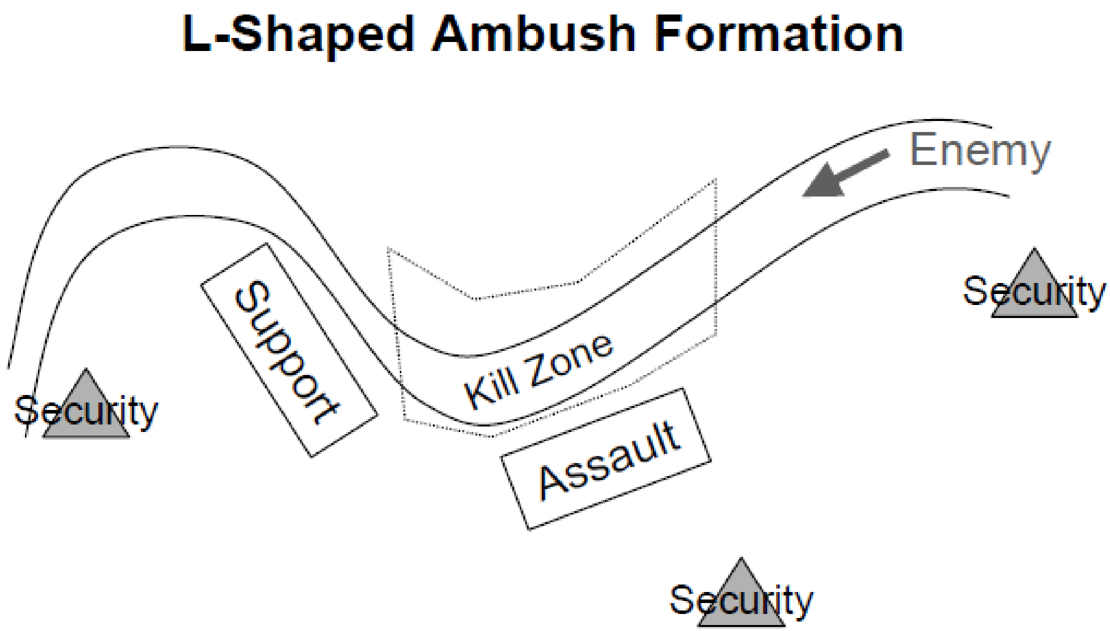
The Muslims that had retreated from Guajaras to the mountains, descended eastwards to Ohanez, (which is located on the south western skirt of the Al Bushra Mountains, just north-west of Almeria and north of the Sierra de Gador), and had elected a new captain who was named Tahali[201]. All what they could salvage from their homes was placed in this stronghold, along with children and women, guarded by a 1000 man garrison. It was decided that here was a place that the Muslims would take a stand. The Marquess of Velez was dispatched to crush the Muslims at Ohanez, (as the Marquess of Mondejar was still occupied in Sierra de Guajaras), and he engaged the Muslims with ferocity. In the end after countless women and men killed, and the *shahada* of their commander, Tahali, the death toll stood at 200, (ibid, 105). Those who did not surrender, retreated once again, up the mountains.

The Spanish forces, sensing victory moved towards Valor, Ibn Ummaya's stronghold. The surrounded the town and blocked all exits. Then another wholscale slaughter proceeded of the inhabitants of the town while Spanish troops plundered and took slaves. When the Spanish were

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[200] Companions of the Prophet (SAWS)
[201] His name comes from the root verb, هَالَ which means to terrify or to horrify. So his name actually means the terrifier

done, they carried of 800 captives back towards Orgiva, (where these troops had been conscripted from and lived). On their march, Ibn Saba, (Ibn Ummaya's commander for the area), appeared with 300 men at the rear end of the Spanish forces, (which was quite small), offering them safe passage if they release the Muslim captives. Little did they know, Ibn Saba was cunning and he had planted 200 men under the command of 'Al Partel' further up the path to ambush the rear guard from the flank in a classic L-Shaped ambush, (which has been taught to armies for decades now):



The rear guard was trapped and the vanguard, knowing full well what was occurring behind them, marched on as fast as they could. The Muslims inflicted a great slaughter upon the *kuffaar* killing and/or beheading 760 of the 800 men of the army, while a mere 40 men survived this humiliation! In fact, the mujahideen did not even lose one man in this ambush and their women were recovered from the Christians, (ibid, 109)! After this glorious victory, Emir Ibn Ummaya solidified his control over the lands under him by organizing his armies by putting all his "…troops ino squadrons; grouped his squadrons into companies; appointed captains;[202] ordained that such and such men and no others should be permitted to raise *banderas* [or battalions], each one of which he put under the charge of a colonel, (ibid, 112)." He proceeded to divide up the lands into administrative districts called *Taha*'s, (perhaps Mendoza meant Ta'ifa?), which were under a governor. The governor was responsible for organizing his district's defence. He created a force to be his personal bodyguard consisting of 400 Arquebusiermen, (i.e. riflemen). They even had their own banner which was simply a red banner, (reminiscent of the Al-Hamra' and the legacy of Muslim rule in Garnata). In spite of the ongoing operations by the Spanish, Ibn Ummaya solidified his rule in Valor and Poquiera, (returning after the previous operations). Cleverly, prior to Spanish combat operations in the area, the Muslims had stored food and supplies in secret hidden locations. Ibn Ummaya also implemented Islamic taxes such as the *Ushr*, (tenth of the produce), and the *khumus*, (5th of spoils from *jihad*). Deigo Hurtado Mendoza testifies to this when he says the, "taxes which his people granted him for the maintenance of the kingdom were tenth of the fruits of their labours and fifth of the booty taken in war, (ibid, 113)." In light of these developments, the focus of the mujahideen and Ibn Ummaya shifted upon Almeria for a variety of reasons. Primarily, due to the fact that Almeria

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[202] commanders

was a coastal city, with a large Muslim population and a vital part of Muslim strategy as a port to receive supplies and troops from Algiers. Secondly it was also important due to its fertility and bountiful produce. Around this time, Ibn Jawhar attempted to escape from Spain towards the Maghrib, but he died on natural causes on the way to the Maghrib.

The *jihad* spread further north towards Wadi Ash, (Guadix), Basta, (Baza), and the Al Mansura Valley, (almanzora), inspite of the efforts of the Spanish army to quell it. The Spanish General in charge of this area, Marquess of Velez, decided that the best way to take Wadi Ash was to take out the key La Ravaha pass that led from the Al Bushra Mountains north towards Wadi Ash. He sent one of the men under him to take a 400 man detachment to secure Wadi Ash. However in their haste and arrogance, they did not bother to reconnoiter and soon found themselves surrounded from above and below the path they tread on. 40 mujahideen above them open fired with their Arquebuses while those on the path below flanked the Spanish army with 100 men, (ibid, 133). All in all, 140 mujahideen decimated a 400 man Spanish patrol leaving few survivors, which even in our times, is a successful operation. When the new overall commander of Spanish forces, Don John of Austria[203], (who we will hear more of later on), replaced the humiliated Marquess of Velez from his command with Francisco de Molina. When the Muslims of the Sierra de Bentomiz, (just north of Velez-Malaga/Balsh Malaqa where the ruins of the old fort used by the Muslims still stands today), and the villages surrounding Balsh Malaqa in the west, they joined the *jihad*. They packed up their belongings and went uphill, garrisoning at the city of Frigiliana la Vieja, (old Frigiliana). They selected as their leader, Gomel, (Jamal?), who had created his shura at the same time. All of them, including Gomel, came under the authority of Ibn Al Wakil, (Benalguazil), who was a commander of Ibn Ummaya's. Arevalo de Suazo, a Spanish commander, upon receiving intelligence of mujahideen activity in Frigiliana, set out towards the village not so much to attack it, (since he did not have the troops at that point to do so), but merely as a show of force to intimidate the Muslims there. Instead his troops were ambushed and routed from the area in disgrace.

As fighting continued to rage in Frigiliana, Arevalo de Suazo sent word to Don John about their reversals, and Don John assembled a massive force to siege and retake Frigliana. He mustered 1000 seasoned infantry along with 1500 marines, (this complimented the 3000 troops raised by Arevalo from Balsh, Malaqa, and the surrounding area). In all, they had 5500 troops complimented by battalions that had been hastily called back from Italy[204] in light of the alarming situation in Garnata. These troops proceeded to Frigiliana where they began a massive assault from all sides of

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[203] He became a military leader in the service of his half-brother, Philip II of Spain and is best known for his naval victory at the Battle of Lepanto in 1571. In April 1569 Philip appointed Don John commander-in-chief over the feuding marquises, with Quijada his chief adviser. In Garnata, Don John built his forces with care, learning about logistics and drill and dealing with jealous local authorities. Requeséns and Santa Cruz patrolled the coast with their galleys, limiting aid and reinforcements from the *Maghrib*. In December Don John unexpectedly took the field with a large and well-supplied army. First clearing rebels from near Garnata, he then marched east through Wadi Ash, where veteran troops from Italy joined him, bringing his numbers to 12,000 men. In late January he assaulted the rebel stronghold of Galera. Fighting was long and hard and causalties heavy. When Galera fell, Don Juan had it leveled and salt ploughed into its soil. Its surviving inhabitants were sold into slavery.
The example of Galera and Don John's relentless advance began to intimidate other Muslim villages, which soon began to surrender to Don John's superior forces. Through 1570 the revolt gradually sputtered out as its leaders quarreled, while the Uthmanis and their naval mujahids turned to the invasion of the Venetian colony of Cyprus.

[204] At this point, Spain was in control of Italy by controlling the cities of Milan, Naples, Sicily, Sardinia, and the State of Presidi. Indirectly they controlled Italy by dominance of the rulers of Tuscany, Genoa, and other minor states of northern Italy). All these powers were granted to Spain as a result of the Peace treaty of Cateau-Cambrésis in 1559 between Elizabeth I of England, Henry II of France and Philip II of Spain.

the Muslim fortification. After fierce resistance, the Muslims realized they were outnumbered and about 2000 of them decided to flee further uphill, (which was most of the Muslims at Frigiliana). Subsequently, the Spanish gained control over Frigiliana and the Muslim losses were substantial as some 1500 Muslims were killed inside the fortifications, most of them being old men. This happened due to the fact that all the older men of Frigiliana had agreed amongst themselves "…to stay in the fort and fight to the death so as to give the young and able bodied a chance to escape [and continue the fight], (ibid, 147)." 1300 Muslim women and children were also killed, (ibid, 146). Christian losses numbered more than 300 dead and more than 600 wounded. Muslim commanders escaped from the area and headed back to Valor where Emir Ibn Ummaya reconstituted, (i.e. made up for their losses by providing them men), their divisions and ordered them to return to Frigiliana to retake the fortifications there.

The word of the Spanish victories at Frigliana had spread as far west as Runda, (Ronda), and had dampened the morale of Muslims there, but yet sporadically Muslims in villages across Garnata saw the brutality of the Spanish and the bravery of the mujahideen and joined the *jihad*. The forces of the Mujahideen continued to grow with the influx of foreign mujahideen flocking to the banner of the mujahideen in Al Bushra. Many of them were Turkish military commanders highly experienced in the mountain and guerilla warfare while others were Muslims from the Maghrib whom had heard the cries of their oppressed Muslim brethren in the occupied land of Andalus. Some of these mujahideen bought weapons with them while others were armed with weapons taken as *Ghaneema*, (or spoils), from the Spanish. In addition, there were many 'hispanified' Muslims within the Spanish army that Ibn Ummaya could plants spies within their ranks. There is evidence of this presence, when one looks at the Spanish army in places such as its colony in Wahran, (Oran). After the conquest of Wahran in 1509, the Spanish were not able to recruit Spaniards to come to Wahran to join the army there. Facing a dire crisis in Wahran, Spain had to relax its usual forbiddance of Muslims joining the Spanish army, "…and they [Muslims] were recruited to join the defence force there [Wahran], (Kamen, 2004, 343)." Therefore it is likely that with continental Spain, there were also people that lied about their Muslim ancestry and joined the army.

Furthermore, women, children, Christians and even slaves in every town where the Spanish were formed an informant network to provide informal intelligence on Spanish troops movements and sizes. They would also sell supplies, food, clothing, arms and ammunition to the mujahideen, (Mendoza, 165). With these reinforcements, Ibn Ummaya decided to use them in a massive ambush on Spanish forces on the town of Berja where the Marquess of Velez was camping with his forces. Ibn Ummaya had with him troops from all over Garnata and 400 Turks and Berbers, (ibid, 151), for this operation, totaling three thousand Arquebusiers and crossbowmen and approximately 2000 longbowmen. The mujahideen marched into the village, only to find it empty, and before they could react they ambusher became the ambushee. They were betrayed by a spy in their camp. The Spanish inflicted a heavy blow on the *mujahideen*, with approximately 600 casualties, causing them to retreat back into the mountains.

The Appointment of Don John of Austria and The Death of Ibn Ummaya:

By July 1569, King Philip II of Spain was hearing reports that the *jihad* was growing and not shrinking inspite of the large number of troops committed to the combat efforts and the appointment of Don John, (the Kings half brother), as the overall commander of all operations to quell the 'insurgency.' A Ministerial inquiry was held in September 1569, and the Marquess of Mondejar was questioned about the sincerity of his efforts to root out the Muslim threat. Some ministers in Philip's court even went as far as to suggest that the Marquess's "…dispatches to the King…had grossly exaggerated the number of Moors [Muslims] that his troops had killed, (ibid, 168)." Ibn Ummaya's forces stood at a healthy 7000 Garnatan Muslims, about 500 Turks and Maghribi's, (if you will, the 'foreign' mujahideen), and about seventy cavalrymen, (ibid, 170). The local mujahideen included those called by Spanish writers such as Deigo Hurtado de Mendoza, '*Monfees,*' which in Arabic means exiled or outlawed. These 'outlaws' were people that had fled to the mountains to escape the oppression of the Christian forces and their attempts at forcefully converting Muslims. They formed communities in the mountains to practice their faith openly and organize the societies upon Islam. The Messenger of Allah (صلَّى الله عليه وسلَّم) said:

عن أبي سعيدٍ الخذريِّ رضي الله عنه؛ أنّ رجلا أتي النبيّ (ص)، فقال: أيّ النّاس أفضل؟ فقال:

﴿رجل يجاهد في سبيل الله بماله و نفسه﴾

قال: ثمّ من؟ قال:

﴿مؤمن في شعب من الشّعاب؛ يعبد الله ربّه، ويدع النّاس من شرّه﴾[205]

*"Abu Sa'id Al Khudri narrated: A Man asked about the Prophet (صلَّى الله عليه وسلَّم): 'Who is the best of people?' The Prophet (صلَّى الله عليه وسلَّم), replied: 'A believer who fights in the Cause of Allah with his life and property.' He [the man] asked: 'Who is next?' He replied: '**A believer who stays in one of the mountain paths worshipping Allah and keeping people secure from his mischief**"*

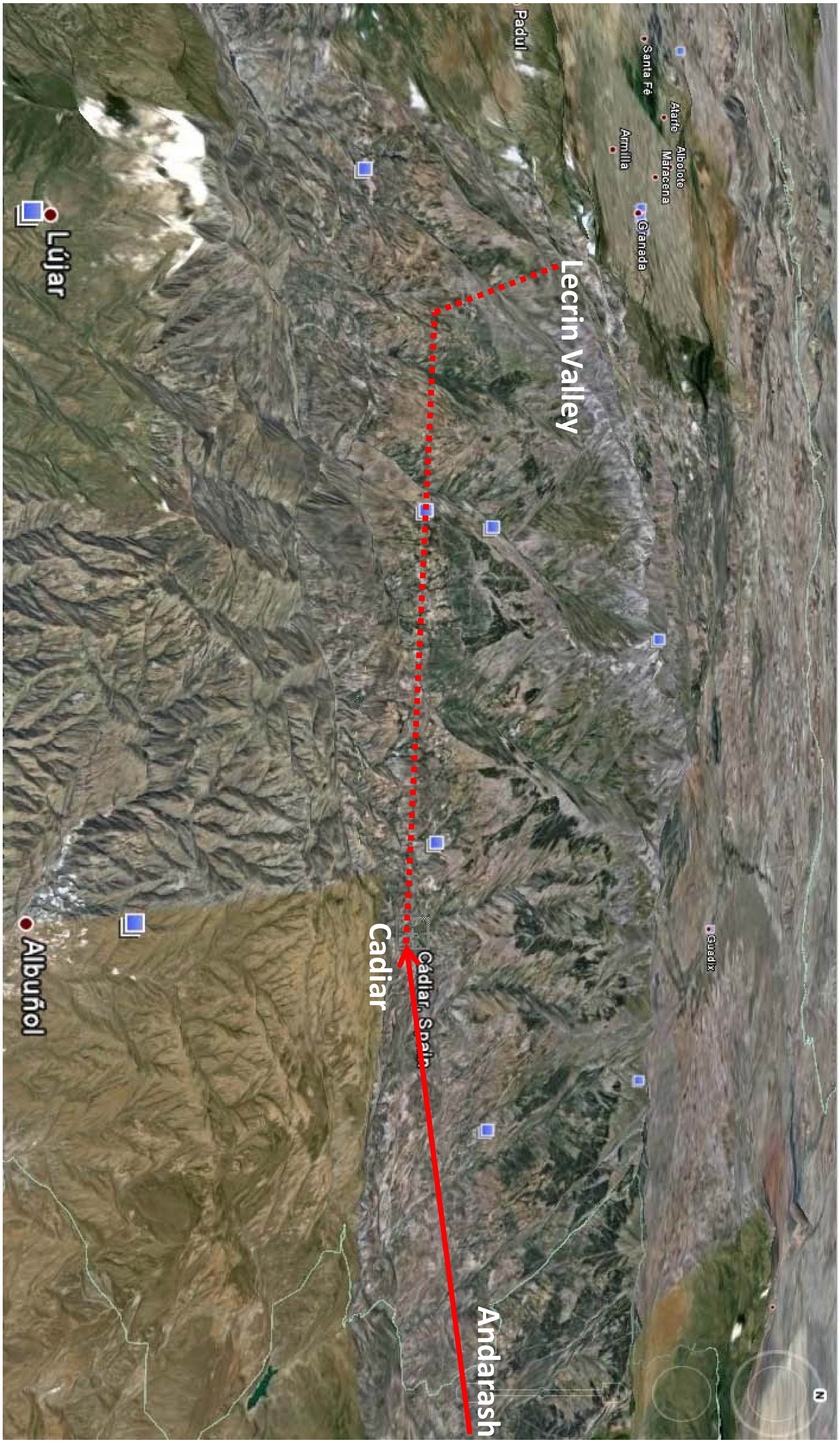
Their chief occupation reportedly was, (other than farming), 'banditry' against Christians. However, they were by no means 'criminals,'(as portrayed by the Spanish), as what they did in the

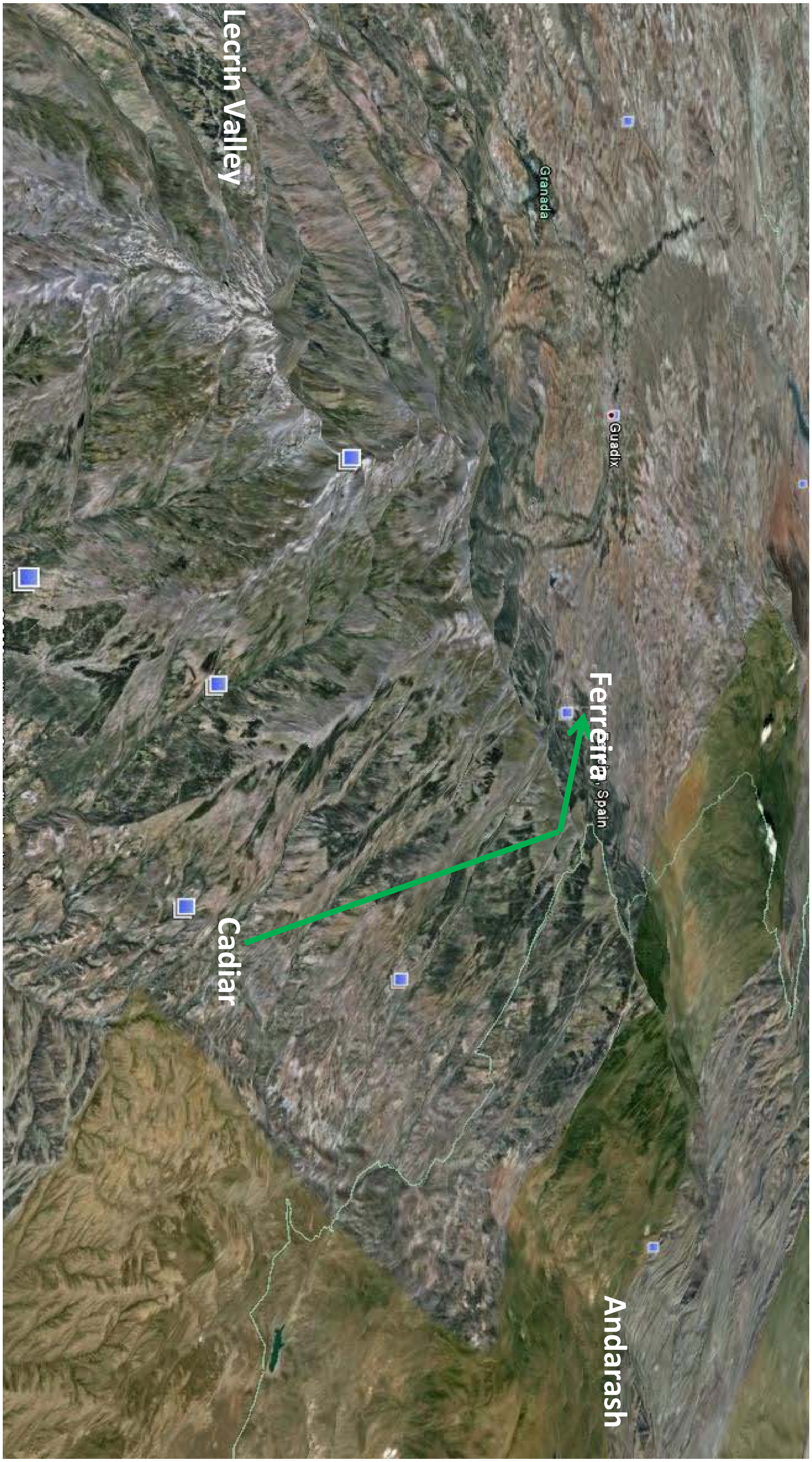
[205] Sahih Bukhari, Hadith #: 2786

midst of *Dar al Harb* is completely legal and justified in the *Sharia*. They conducted raids agains the Christian trade routes and in Christian villages to obtain spoils, (knowing full well that frontal strikes against the Spanish army were not realistic due to their few numbers). In other words, they were the 'Islamic terrorists' of their time. However, we must put the above number in perspective, as 7600 men is nothing compared to the hundreds of thousands of troops possessed by the Spanish Army, which was by now becoming a global superpower. Thus, here they were, 7600 mujahideen in the mountains giving nightmares to a global superpower!

Ibn Ummaya had managed to stave of the more than 10,000 man combined Spanish army and decided to move on Adra and siege it. When that wasn't successful, he moved onto the town of Berja where they tried to siege the city by destroying the city walls with their two cannons. Unsuccesful in that endeavour as well, they decided to destroy the lands under the Marquess de Velez by destroying its water works and gardens. When that was accomplished, Ibn Ummaya turned the army towards Andarash. Here comes the strange part of this account of Ibn Ummaya and here I can only rely on the report of Diego Hurtado de Mendoza. In Andarash, Ibn Ummaya settled down and ruled as if the war was over. Apparently, even his own commanders were baffled and the people began voicing their criticisms of him. Then his most senior commanders started leaving him due to his rash decisionmaking, and they were Commander(s) Nacoz of Garnata, Malik of Basta, Giron of Al Munakkab, Garral of Velez, Moxaxar of the Almeria valley and Ibn Mequenun. Even Ibn Ummaya's most senior commander Faraj Ibn Faraj, left him. The voices of discontent got louder and the loudest of them were the Turkish contingent of mujahideen who complained of the Ibn Ummaya's incompetent leadership. His apparent incompetency was costing him the loyalty of his troops. In response, Ibn Ummaya had elected Abdullah Ibn Abu, (a cousin of his), as the general of his forces and, essentially, as his deputy as well. Ibn Abu was intelligent, well spoken, widely respected and an experienced fighter. He also claimed to be of Ummayad lineage, (ibid, 176).

In spite of problems with his troops and their lack of trust in him, he sent his Turkish contingent towards the village of Albunuelas in the Lecrin valley. The plan was to send them towards the village without telling them the final objective of the mission. Only at the last moment, by way of a courier carrying orders, would they know the objective, (as to avoid spys detecting orders). Thus, 400 Turkish and 200 Berber mujahids carrying Arquebuses set out from Andarash with captain(s) Husseini and Caravaji. They had marched approximately 40 km and reached Cadiar when a messenger arrived delivering a message from Ibn Ummaya for the men to turn and march approximatly 30 km northeast all the way to Ferreira over the mountains, (and in effect abandon the mission):


Lecrin Valley
Cadiar
Andarash
Lújar
Albuñol
Cádiar, Spain
Guadix
Granada
Padul
Santa Fé
Atarfe
Albolote
Maracena
Armilla


Lecrin Valley
Granada
Guadix
Ferreira
Cadiar
Andarash

This was the proverbial straw that broke the camels back. Rumours, (albeit false), were rife in Andarash about Ibn Ummaya, one of the more rampant of them being that he was secretly in negotiation with the Spanish, (as his predecessor, Abu Abdullah had been almost 80 years ago). This from a people that had been oppressed for more than fifty years under Spanish tyranny, with no help appearing from Muslim countries, (and the rulers of past were traitors and collobrators, i.e. Abu Abdullah of Garnata). It has to be assumed, that the people assumed the worst from Ibn Ummaya and were in no mood to be betrayed once more and go back to slavery to the Christians, (that is to assume that Ibn Ummaya was a traitor, which is clearly untrue). This was followed by the last chapter in the sad, but strange story of Ibn Ummaya.

Two of the primary sources for this section on the Al Bushra *jihad*, Marmol and Mendoza, spoke of reports from the Muslims that Ibn Ummaya had become tyrannical and corrupt. Admittedly, these Christian authors embellished their accounts with obvious falsehoods, however the corruption allegation rings true for a number of reasons:

1. His sudden ending of hostilities against the Spanish and putting down arms during a war.
2. The question that logically follows that is “how can you trust the words of the *kuffaar*?” My answer: you don’t have to. You just have to look at the history in that it is proven that Ibn Ummaya was chosen as the Emir of the Muslims in Al Bushra and by October 1569 he was no longer the Emir, (presumably killed). He was replaced by Ibn Abu who we will talk about later
3. Correspondence between Ibn Abu and the Uthmanis was cordial, (as can be see in the reply to the Uthmani khalifa Salim II by Ibn Abu in Febuary of 1570 in Appendix W). The Uthmanis in their correspondence recognized him as the sultan/emir, (thus indicating their approval). Presumably the Uthmani’s having sent men from the province of Algiers had intelligence of the workings of the *jihad* and its leadership in Al Bushra, (and subsequently the death and replacement of Ibn Ummaya). Why would they support or even tolerate a ruler, (i.e. Ibn Abu), that they thought was treacherous and/or had traits that would defame Uthmani participation in the *jihad* over the previous ruler, (Ibn Ummaya)?
4. So, if were to add these factors together, it would indicate that the Uthmanis, at the very least, went along with the assassination of Ibn Ummaya, if not supported it, (for the valid reason that he was not fit to lead due to his ineptitude and corruption).

It is not unheard of, that great mujahideen or pious and ascetic leaders of the Muslims have engaged in an about face due to a variety of reasons. We spoke earlier of the leaders of the Afghan *Jihad* and their assisting the Americans after the Raids of Manhattan and Washington, (save a few such as Jalaluddin Haqqani and more recently Gulbuddin Hekmatyaar). Corruption is a temptation that every human is prone to and sometimes in a moment of weakness of the Iman, *Shaytan* is able to plant this disease in the minds of righteous people. It might have been that Ibn Ummaya felt that victory was impossible now that the Uthmani’s were saying in a ‘diplomatic’ fashion that they would not be able to help the Muslims of Al Bushra after initially promising them adequate aid to fight the Spanish, (see Appendix V). In fact the Uthmani Khalifa, Salim II wrote in a letter to Ibn Ummaya in January 1569:

> “It has reached our majesty that the disbelievers, May Allah destroy them and lead them astray, have disarmed you and prevented you from speaking Arabic and they rape your women, and they inflict all types of injustice and wrongdoings upon you… We have learnt that you have received some weapons from Algiers and that made your hearts firm so you managed to cause them many losses. So praise be to Allah for giving victory to the Muslims

> and may Allah ordain for them permanent success against the disbelievers and May He lead them astray. All the written and spoken news [about you] came in detail to our majesty. All the news which is related to your situation is surrounded in my noble and royal knowledge and my concerns always revolve around you."

However, he concludes by 'diplomatically' stating:

> "Additionally, we expect on relying on your Islamic enthusiasm, deep-rooted in your land, never tiring from showing your jealousy of this lasting religion [Islam], so make apparent [to the Spanish] your many abilities and grievances in the war against the humiliated disbelievers. And it is hoped from the scholars, reformers and the Muslims not to refrain from supplications day and night for the conquest to be made easy and for victory in the triumphant *ghazwa* and don't slacken in informing us continuously about the situation of that land."

In other words, they meant "we urge everyone to supplicate for you and really hope you win, but we can't help you, (the best we can do is to tell the governer of Algiers to send you token help). However, do keep us informed of developments." In light of the breaking of the Uthmani promise, perhaps Ibn Ummaya felt there was no point in fighting and thus, essentially, put down his arms and started busying himself with worldly affairs, and perhaps at this point the greed and corruption set in and Allah knows best.

A dispute reportedly arose between a close confidante of Ibn Ummaya, Diego Alguacil, and himself over Deigo's second wife. It is reported that Ibn Ummaya was taken by her beauty and wanted to take her as his concubine, (or possession of the right hand), instead of marrying her, (in spite of her being a Muslim and hailing from a good family). Ibn Ummaya ordered him to divorce her and give her to him. As a result, Diego, reportedly fearing for his life, fled from Andarash to the mountains where we he encounted more rebels that were opposed to Ibn Ummaya. A few days later, his second wife, who is reported to be in Ibn Ummaya's possession sent a message to him that Ibn Ummaya had sent out the Turkish and Berber mujahideen towards the Lecrin Valley under the command of Ibn Abu, (as was mentioned previously). She also mentioned the king's secret intent on joining the troops himself with his own detachment of troops for the mission. After receiving this message, Diego lay in wait for Ibn Ummaya's messenger, (who was to deliver the orders for troops to divert to a secondary location). Diego captured the messenger, interrogated him and killed him after taking Ibn Ummaya's letter from him. Fortunately for Diego, his nephew had deserted from Ibn Ummaya prior to Deigo and he had been a secretary for Ibn Ummaya, (which meant he knew Ibn Ummaya's seal and signature). Both nephew and uncle teamed up together to destroy the real letter and forge a second one which ordered Ibn Abu:

1. March his Turkish and Maghribi troops to Mecine de Bomabaron, (5 km North East of Cadiar), where he finds troops from the district and another company of troops under the command of Deigo Alguacil
2. Once his troops were asleep, Ibn Abu was ordered in the letter to kill them all with the help of the troops from Mecine de Bombaron, (perhaps Deigo was exploting friction between the local mujahideen from Al Bushra and the foreign mujahideen from the Maghrib and Turkey, if there were any in reality[206]).

[206] As silly and unreal as it would seem, this has happened in the recent past, but to name a few instances, we could start with the Afghan *jihad* where the friction between arabs and afghans was palpable. Many of the Arab youth that came couldn't come to grips with the *shirk* practices of some afghans, (shrines, *tawassul* etc.). The youths were quick to

3. Finally, the letter orders that Ibn Abu should kill Deigo Alguacil, (which is a clever move on Deigo's part as it takes suspicion away from him as he himself was meant to be a target according to the forged letter).

When Diego and his nephew finished concocting the letter, then sent it to Ibn Abu, (who was in Cadiar at the time), by way of one of Deigo's trusted men. When Ibn Abu received he was understandably shocked by its contents and he and his staff discussed its implications before discussing it with their Turkish captains, Nabil, Ali Al Rais, Muhammad Al Rais and Hassan. In addition, Deigo also showed up claiming that he had received an indentical letter to kill Ibn Abu. One of the many things that was perhaps discussed is that these *mujahideen* especially, (the Magrhibi's and Turks), had come so far to aid the Muslims and to make the word of Allah the uppermost, and now the king intended to deal with them in such a treacherous way? Finally, Ibn Abu discussed the issue with Husseini and Caravaji, (the Turkish captains). Deigo then produced a packet of Hasheesh which he claimed he was ordered by Ibn Ummaya to give to all the mujahideen to make them go into deep sleep, (and thus making it easier to kill them).Therein, these fabrications were made to appear as the truth, Ibn Abu, the Turkish captains and Deigo joined up together in a plot to dethrone Ibn Ummaya. At this meeting it was also resolved that Ibn Abu should be the new Emir, (ibid, 179). They joined up their troops and headed towards Andarash stealthily. The guards of the town let them in since they were familiar faces. The troops proceeded to Ibn Ummayas palace, and therein they seized him and took him out of his palace in the presence of Ibn Ummaya's ministers. The strange part of this account, (which might be further proof of my hypothesis), that he had 24 bodyguards, 400 soldiers that served as his personal troops about 1600 troops from Andarash that were loyal to him and not one of them came to his aid or resisted his captors, (ibid, 180). Without trial and minimal

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denounce them, and the Afghans, (a proud people), in return would then become angered and felt alienated. This was described by Shaykh Abu Musab Al Suri in 'Muslims in Central Asia and The Coming Battle of Islam,' when he said, "The enemy realized this weakness…and lit the spark to start the fire for disagreement between Muslims of the people of Central Asia…and their brothers, especially Arabs, under the pretext of disagreement between the doctrines and beliefs of 'Wahhabism.' They applied this tag [of Wahabbis] to all Arab *Mujahideen*, and unfortunately, many of the ignorant practices of many Arab *Mujahideen* themselves only invite such attempts at division…(Suri, 31)."

In Bosnia to a lesser degree, and more so in Kosova, the mujahideen arrived in these lands not taking into the account the cultural background of these lands and found themselves aghast at the strange and sometime obviously unIslamic practices of the Muslims of these lands. It seems that none of them appreciated the truly nationalistic nature of the Kosovo war. In fact in Kosova, the KLA, Kosovo Liberation Army, wasn't too fond of the 'foreigners' who were seen as a nuisance and repeatedly the KLA and the local intelligence services would block access to foreign mujahideen into Kosova to fight the Serbian occupiers! Tim Judah, an American author investigating the war in kosova, asked the UN and the KLA about the foreign mujahideen: "Asked about a number of ostentatiously Muslim recruits seen on the ferry whom UN sources said they had too seen but who then disappeared and were never seen again, Zharku [Shabir Zharku was in charge of foreign recruits for the KLA] said that the KLA wanted no help from Islamic fundamentalists. 'They came to offer their help but we declined. Once you accept you have to play their game and were not interested in that…this is not a religious struggle.' In the event, and despite dire predictions, fundamentalists and indeed religion as a whole did not play a role in the war, (Judah, Kosovo: War and Revenge, 175)." To underline this, Abu Hamza (A'amaad Al Husseyni), the president of the Organization for the Ansar [foreign mujahideen that came to aid the Muslims in Bosnia] and former mujahid in Bosnia, described the cluelessness of the Bosnians regarding the foreign mujahideen at 6:59 in '*Kataiba Al Motaardeen'* an Al Jazeera documenteary about the foreign mujahideen in Bosnia: "The Bosnians with a strange face, asked us: 'why did you come here? Don't you know you will be killed? You left your land [and things of this sort to come here]…' they did not have the clear religious understanding as to why we [the foreign mujahideen] came here [Bosnia] and we tried to correct them on this matter and explaining to them but to no avail, because at the time, some Bosnians were spending money to leave Bosnia [and not arriving and staying as the mujahideen did]!"

questioning, Ibn Ummaya was hung then next day on October 20, 1569, wherein Ibn Abu was then the official Emir of the Muslims in Al Bushra.

Even if this account is completely fabricated, we must reflect on the role of Deigo Alguacil in all this. We, in the Muslim ummah, have many Deigo Alguacils amongst us and many are ready, when they are even slightly wronged, to let their emotions rule them and to fight the Emir. They forget Allah (سبحانه و تعلى) saying:

﴿وَاعْتَصِمُواْ بِحَبْلِ اللَّهِ جَمِيعاً وَلاَ تَفَرَّقُواْ وَاذْكُرُواْ نِعْمَةَ اللَّهِ عَلَيْكُمْ إِذْ كُنتُم أَعْدَآءً فَأَلَّفَ بَيْنَ قُلُوبِكُمْ فَأَصْبَحْتُم بِنِعْمَتِهِ إِخْوَاناً وَكُنتُمْ عَلَى شَفَا حُفْرَةٍ مِّنَ النَّارِ فَأَنقَذَكُمْ مِّنْهَا كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ ءَايَـتِهِ لَعَلَّكُمْ تَهْتَدُونَ﴾

And hold fast, all of you together, to the Rope of Allah, and be not divided among yourselves, and remember Allah's favor on you, for you were enemies of one another but He joined your hearts together, so that, by His grace, you became brethren, and you were on the brink of a pit of Fire, and He saved you from it. Thus Allah makes His Ayat clear to you, that you may be guided[207]

And in Sahih Muslim regarding this Ayah, Abu Hurayra (RA) said that the Messenger of Allah (صلَّى الله عليه وسلَّم) said:

﴿إِنَّ اللهَ يَرْضَى لَكُمْ ثَلَاثًا، وَيَسْخَطُ لَكُمْ ثَلَاثًا: يَرْضَى لَكُمْ أَنْ تَعْبُدُوهُ وَلَا تُشْرِكُوا بِهِ شَيْئًا، وَأَنْ تَعْتَصِمُوا بِحَبْلِ اللهِ جَمِيعًا وَلَا تَفَرَّقُوا،وَأَنْ تَنَاصَحُوا مَنْ وَلَّاهُ اللهُ أَمْرَكُمْ. وَيَسْخَطُ لَكُمْ ثَلَاثًا: قِيلَ وَقَالَ، وَكَثْرَةَ السُّؤَالِ، وَإِضَاعَةَ الْمَالِ﴾

It pleases Allah for you to acquire three qualities and displeases Him that you acquire three characteristics. It pleases Him that you worship Him Alone and not associate anything or anyone with Him in worship, that you hold on to the Rope of Allah altogether and do not divide, and that you advise whoever Allah appoints as your Leader. The three that displease Him are that you say, `It was said,' and, `So-and-so said,' asking many unnecessary questions and wasting money.[208]

Lets not confuse this with the issue of rightful rebellion against the ruler for his repeated violation of the *Shariah* after repeated warnings and

1. His ruling by other than the *shariah*,

[207] Surah al Imran, Verse 103
[208] Sahih Muslim

2. Advocating for kufr law
3. and/or fighting against Muslims and
4. Taking the *kuffaar* as his *awliya*.

Ibn Ummaya's case is slightly murky due to the lack of reliable facts to formulate a ruling with, and the fact that he was the rightful ruler selected by the shura and did prosecute the *jihad*, and did implement the *shariah* and did not impose non *shariah* taxes. Anyone attempting to make this an analogy to House of Saud or the rulers of the 'Islamic'Republic of Pakistan, (those who neither rule by Allah's law, nor conduct *jihad fee sabilAllah*, nor get rid of non *shariah* taxes while allying with the *kuffaar*), would indeed be making a perverse analogy.

The Reign of Emir Abdullah Ibn Abu:

After Ibn Abu's selection, the people of Al Bushra put a condition of rulership that, if the Uruj Ali Pasha, the Uthmani ruler of Algiers, approves his selection as Emir, then Ibn Abu would stay as Emir, otherwise he would presumably removed as to find an emir that was suitable to Uruj Ali, and by proxy, the Uthmani khalifa, Salim II. Needless to say, the selection of Ibn Abu was approved by Algiers within three months, (ibid, 182). What Ibn Abu did have, that Ibn Ummaya apparently didn't have, was greater popular approval of the people, however with dissension from some nobles. Ibn Abu got to work immediately and redraw the lines of his provinces, (or *taha*'s), and put in charge of each *taha*, a man that is native to it, (as to maintain cohesion among the people, negate any difference of tribe, language or kinship ties). He created a six man shura, to advise him on matters. The *shura* was not only local Muslims from Al Bushra, but included two Turkish Captains, Caracaj and Dali, (to make the opinions of the *shura* diverse and take all opinions into account). He appointed a local Muslim commander, Hernando Al Habaqi as his commander of his eastern forces in the provinces of Almeria, Bolodui, Al Mansura Valley, the mountains of Basta and Wadi Ash. While the commander of his western forces was another local Muslim, Shoaibi Al Waljari, (from the town of Waljar/Guejar, in the mountains of which the Spanish had just inflicted a massacre of Muslims), who controlled, Balsh Malaqa, Lecrin Valley, the Al Bushra mountains, Garnata and the White Mountains, (Sierra Nevada/Jibal Baydha which are north western section of the Al Bushra Mountain range). As his second in command, he appointed his brother, Muhammad Ibn Abu, (ibid, 183). In the meantime, the Turkish captain, Caravaji went to the Maghrib, (probably Algiers), to recruit more mujahideen, while Husseini, (one of Ibn Abu's Turkish field commanders), went off to Algiers with gifts and a request for more troops and weapons from him and the Uthmani khalifa.

Ibn Abu reformed the army and reorganized his battalions and formed a standing army of 4000 Arqebusiers, of which 800 were his personal troops, and 200 of these were his bodyguard, (these men were stationed around his palace while 20 of these men were around Ibn Abu all the time), (ibid). He reorganized the intelligence system of the Muslim by sending many of his men as sentries to the borders of the areas of Muslim control to:

1. Collect intelligence on troops movements
2. Be continuously mobile, as to avoid detection or ambush and control access to roads leading into the Emirate.

They were to issue a challenge to anyone entering the kingdom with a call-sign. Those who did not know the counter-sign, were to be turned away. Those who knew were to be let through but told strictly only to use certain roads. If anyone violated this rule and went through unauthorized

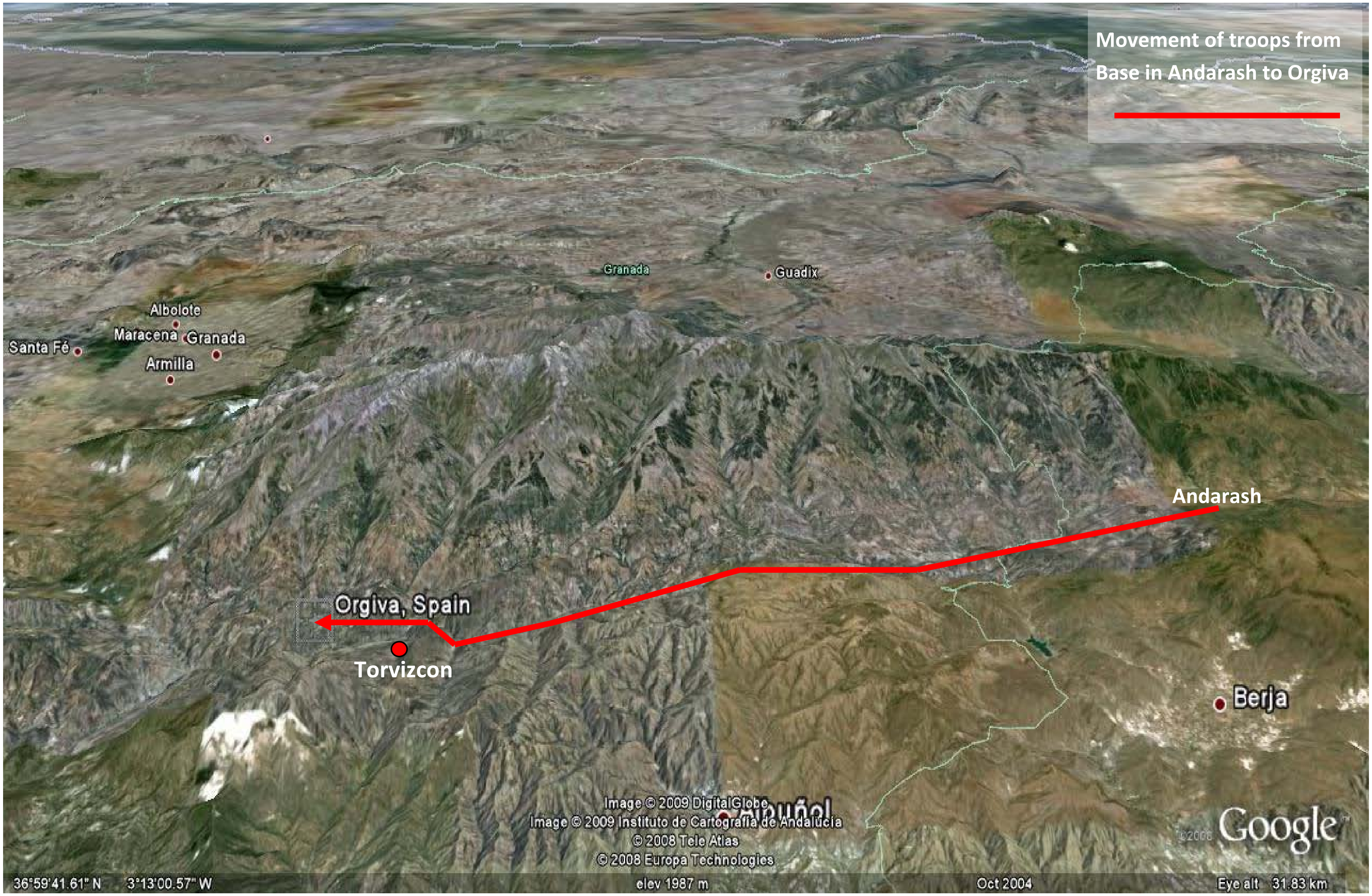
routes, and were found doing so, they would be detained and/or executed. This made it much harder for the Spanish to send in either spies to conduct espionage even if they were Muslim collaborators, (since only residents of Al Bushra knew the counter signs). Thus, the field of potential spies would be narrowed to the residents of Al Bushra, which, presumably, Ibn Abu would have taken care of by increased intelligence within the community, (i.e. placing spies within Al Bushra to find Spanish agents and flush them out). Guards were now placed on all the peaks 24 hours a day in *ribaat*[209] in order to provide advance warning of any enemy movement. The commanders of these guard units were given latitude and freedom to decide:

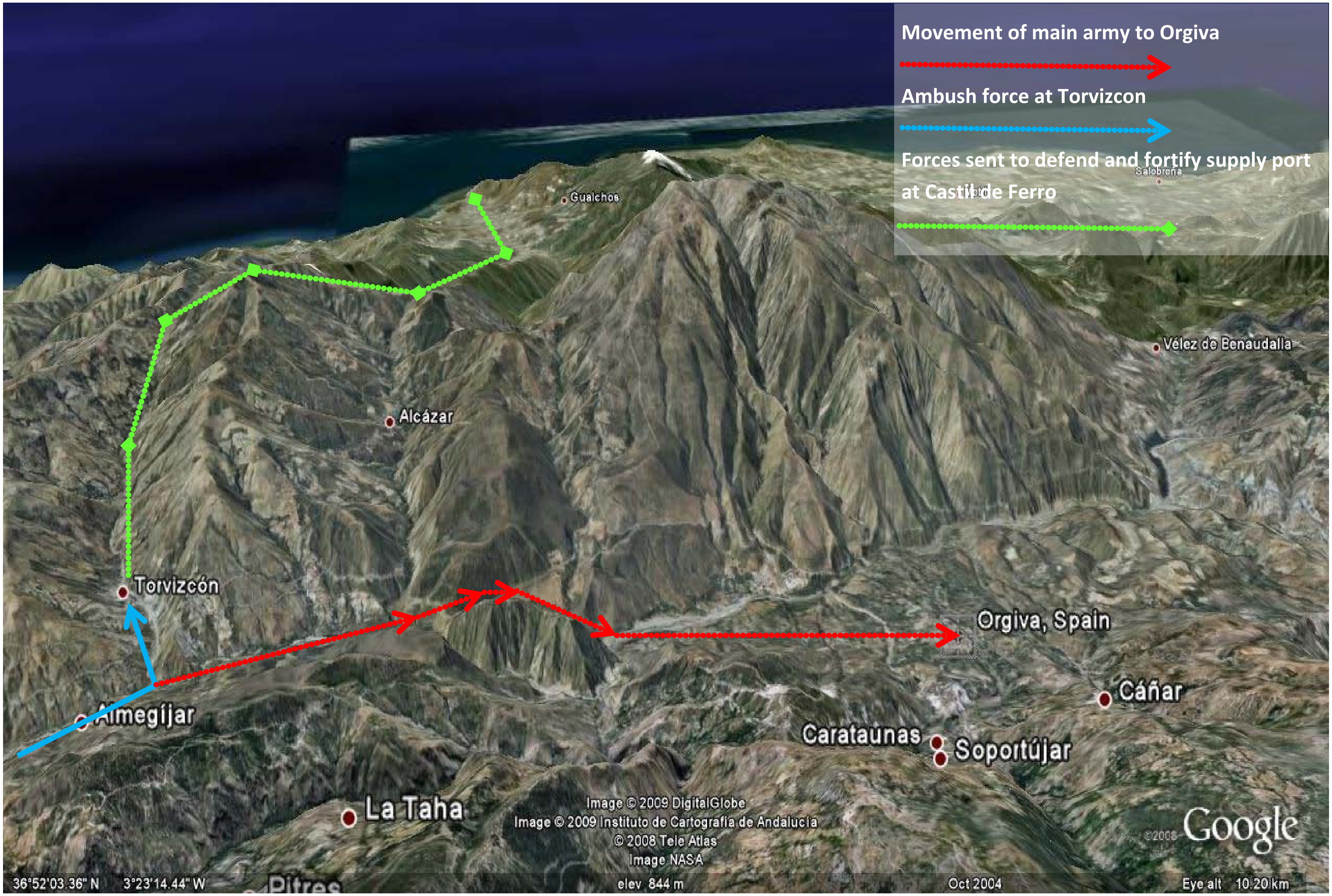
1. The areas the guards patrol
2. Who they would be replaced by at the end of a shift
3. How to distribute and spread the troops
4. Maintenance of discipline
5. And locations of lodgings for the soldiers

It must be remembered that during this era, military leaders sometimes tended to micromanage every detail of their army, therefore overextending themselves to exhaustion and as a result of this and many other factors, resulting in failure. Ibn Abu's approach was perhaps not revolutionary in devolving control to captains below him, (therefore allowing them better control of their units), but it was certainly out of the ordinary. As a result, his commanders probably felt a sense of ownership over their operations and felt they had a say in operational and tactical planning, which in turn would have raised morale and troop effectiveness. Moreover, the field commanders had a more intimate understanding of the variables of their environment, (i.e. geography and weather), their own troops, (i.e. their capabilities, strengths and weaknesses), and of enemy capability and tactics, (i.e. the enemies strengths and weakness and capabilities). Therefore, even if one designs the strategy of a campaign with upper level generals, it would only make sense to allow more control and flexibility of tactical and operational details to be in the hands of field commanders. Ibn Abu also fixed the wages of the local soldiers and foreigners, (Turks and Maghribi *mujahideen*).

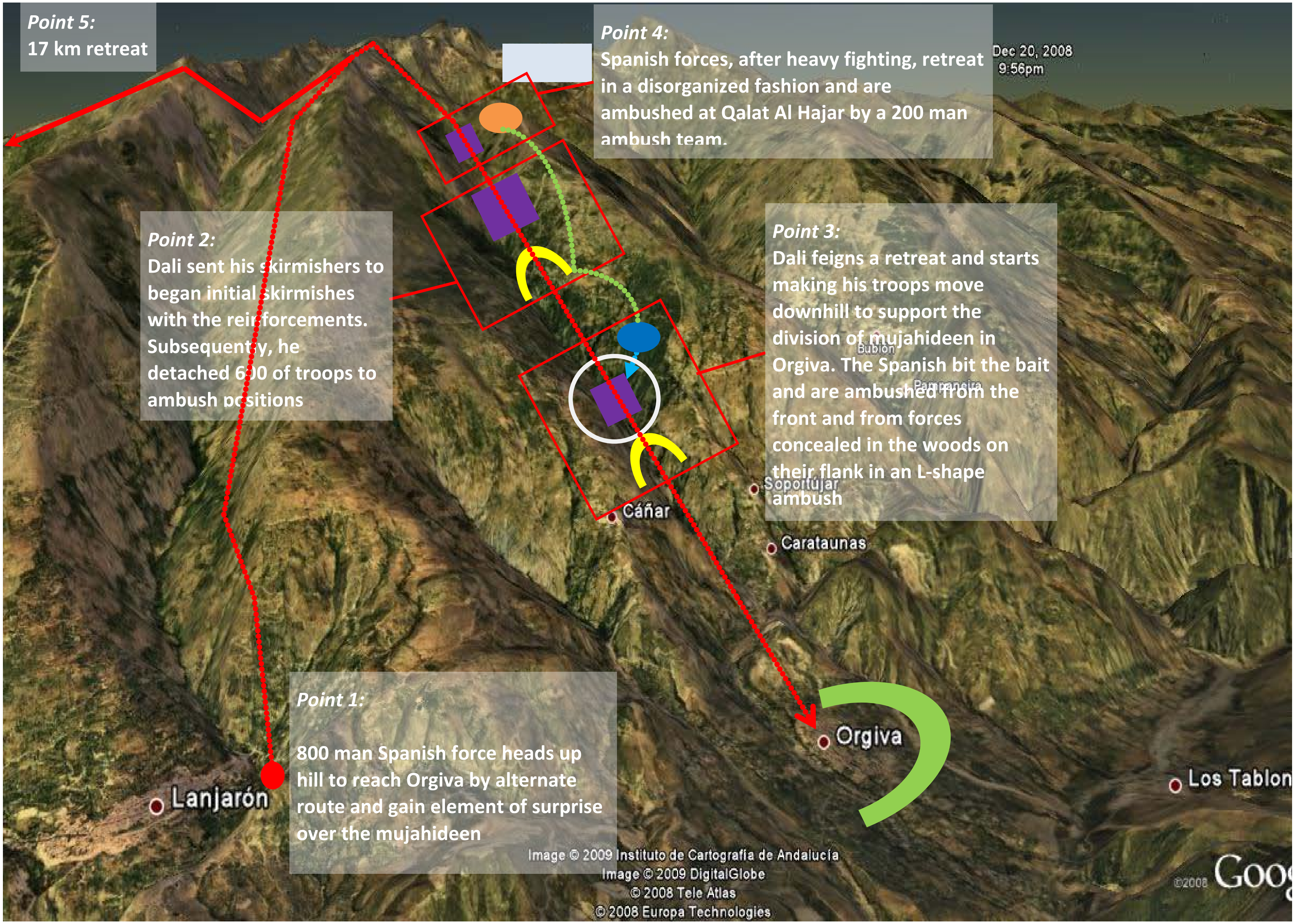
Slowly bur surely, Ibn Abu had managed to reequip his troops from arms coming in from Algiers and from spoils captured from Spanish forces. Now his army had almost doubled to almost 8000 Arquebusiermen, (ibid, 184). Ibn Abu decided on offensive operations to begin once again, and chose the strategic city of Orgiva and its garrison. On their way there a Muslim army ambushed the woefully organized and disunited barracks at Torvizcon, a few kilometers east of Orgiva. Only 3 Spanish soldiers escaped from the massacre, (ibid, 185):

[209] Standing guard or defending the borders of the territory of Islam

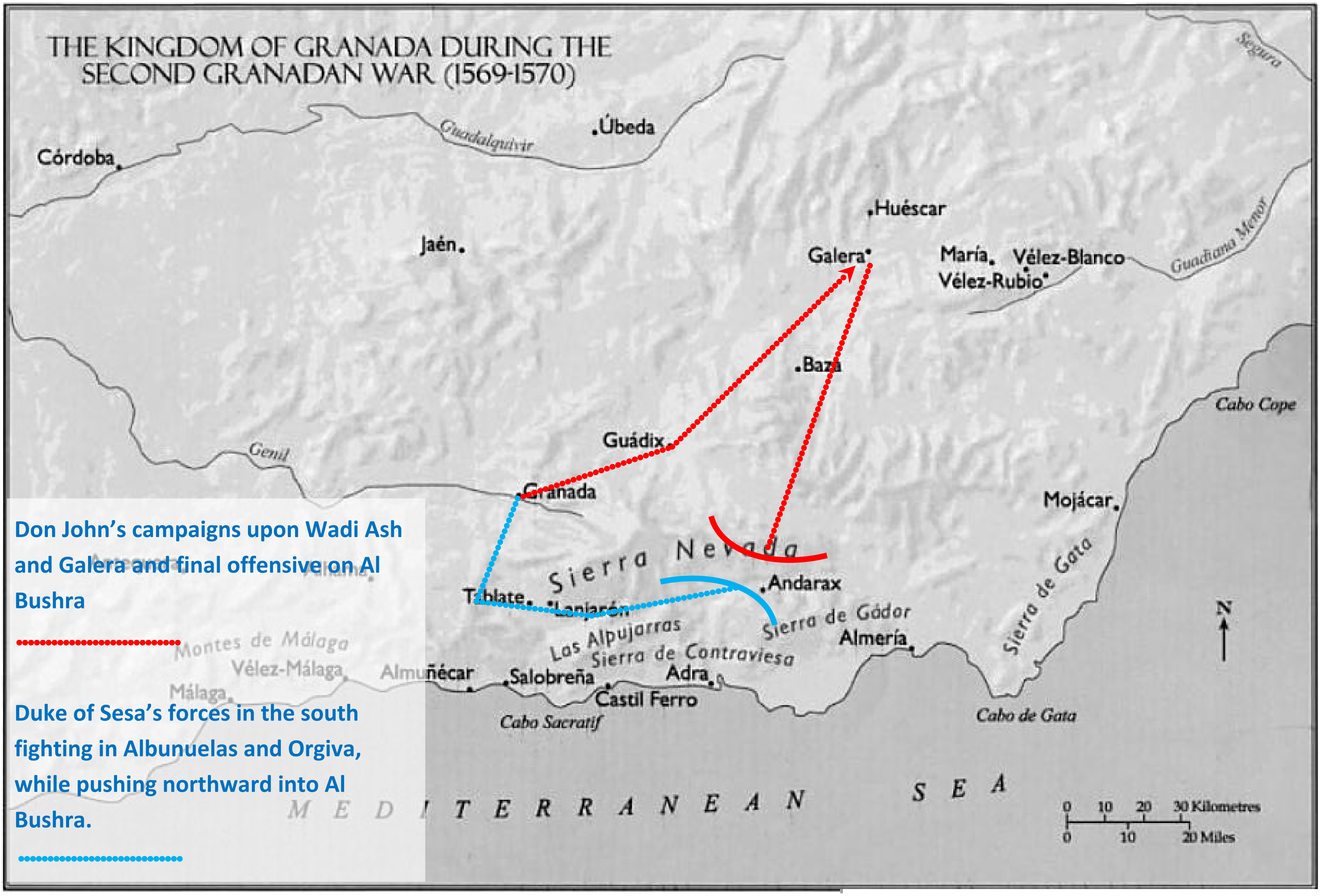

Movement of troops from
Base in Andarash to Orgiva
Orgiva, Spain
Torvizcon
Andarash
Berja
Albolote
Maracena
Granada
Santa Fé
Armilla
Granada
Guadix
Image © 2009 DigitalGlobe
Image © 2009 Instituto de Cartografía de Andalucía
© 2008 Tele Atlas
© 2008 Europa Technologies
Google
36°59'41.61" N 3°13'00.57" W
elev 1987 m
Oct 2004
Eye alt 31.83 km


Movement of main army to Orgiva
Ambush force at Torvizcon
Forces sent to defend and fortify supply port at Castil de Ferro
Gualchos
Salobreña
Vélez de Benaudalla
Alcázar
Torvizcón
Orgiva, Spain
Cáñar
Almegíjar
Carataunas
Soportújar
La Taha
Pitres
Image © 2009 DigitalGlobe
Image © 2009 Instituto de Cartografía de Andalucía
© 2008 Tele Atlas
Image NASA
©2008 Google
36°52'03.36" N 3°23'14.44" W
elev 844 m
Oct 2004
Eye alt 10.20 km

In the meantime Ibn Abu was sending arms, artillery and supplies down to the port city of Castel De Ferro, (see above illustration), and leaving a garrison of 50 Turks under a local Muslim captain named Leandro. He was told to hold his position until Caravaji arrives back from Algiers with supplies, (with the aid of the Uthmani fleet based in Algiers) at the port. Ibn Abu and his Turkish commander Dali, marched on Orgiva themselves. With the new influx of military advisors from Turkey and Maghrib, the tactics of the mujahideen also improved, as in the raid on Orgiva they launched harassing attacks, (i.e. attack, retreat and attack again), while constructing trenches leading right upto the city. This paralyzed Spanish forces as they could neither repair damaged building nor have freedom of movement as the trenches surrounded the city. The mujahideen hoped to squeeze the Spanish into submission, (as opposed to frontally attacking them), in their garrison and increased the pressure by cutting the Spanish water supply, (ibid, 185). Word was relayed back to Spanish command that the siege was underway and it was decided by Don John to send a relief force to life the siege. An initial force of 6000 infantry and 500 cavalry was sent under the command of the Duke of Sesa. However, disaster loomed for the Spanish as improved intelligence on the Muslim side, (in the form of sentries that were posted on major peaks), led to Ibn Abu and his army at Orgiva to know all the movements of the Spanish forces. Ibn Abu decided to split his forces in two to ambush the reinforcements coming from Lanjaron and to keep attacking Orgiva. The ambush team was led by Dali. He went uphill to engage 800 of the 6000 man Spanish reinforcements and engaged them. Dali cleverly and stealthily disengaged 600 men from the main body of his troops and placed 400 of them in the woods of the Spanish flank and 200 were placed at a spot called Qalat Al Hajr. Due to the narrowness of the pass, the mountain pass was an ideal place for an ambush and as darkness began setting in, Dali mounted a controlled retreat of some of his troops down to Orgiva to reinforce the group of troops fighting down there. The Spanish fell for the bait and began to chase downhill. His ambush troops trapped the Spanish troops in a tight kill zone and and began to panic and run uphill. Additional reinforcements began to arrive to rescue the reinforcements. The Spanish promptly retreated and then subsequently ran into the second ambush at Qalat Al Hajr. The final losses that the Muslims reported from these ambushes was 400 killed and a large quantity of spoils in the form of rifles. Deigo Hurtado De Mendoza says that the Spanish differed with this number and said that they, "…lost only sixty but then, in this war, we [the Spanish] have tended to lie to conceal our losses, (ibid, 188)." The distance of retreat for the battered Spanish troops was 17 km wherein they were harassed and attacked for 11km of that distance. The mujahideen were able to starve Orgiva and take possession of it. They also attempted to incite the Muslims of Lecrin Valley to rise up so that they would affect the supply chain of the Spanish and harass their rear guard which was located in the valley.


Point 5:
17 km retreat
Point 4:
Spanish forces, after heavy fighting, retreat in a disorganized fashion and are ambushed at Qalat Al Hajar by a 200 man ambush team.
Dec 20, 2008
9:56pm
Point 2:
Dali sent his skirmishers to began initial skirmishes with the reinforcements. Subsequently, he detached 600 of troops to ambush positions
Point 3:
Dali feigns a retreat and starts making his troops move downhill to support the division of mujahideen in Orgiva. The Spanish bit the bait and are ambushed from the front and from forces concealed in the woods on their flank in an L-shape ambush
Bubion
Soportújar
Cáñar
Carataunas
Point 1:
800 man Spanish force heads up hill to reach Orgiva by alternate route and gain element of surprise over the mujahideen
Orgiva
Lanjarón
Los Tablon
Image © 2009 Instituto de Cartografía de Andalucía
Image © 2009 DigitalGlobe
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Seeing the victory at Orgiva, the Muslims of Galera and Orcel, (far north east), rose up, followed by the Muslims of the Al Mansura valley villages of Purchena, Sierra de Filabres and Basta, (Baza). In fact, almost all of the cities of the province of Garnata had now joined the *jihad* and were actively fighting the Spanish. The only villages in Spanish hands were those in the mountains of Runda and Malaqa. During December 1569, the Spanish army marched upto Huescar to retake it with an enormous force of 40,000 infantrymen and 350 cavalry. Knowing the odds were against them, the Muslim commander called a meeting of the towns people to leave and mount a strategic retreat to a stronger location and where they would have more troops. However, the people said "…they wished to die in their houses, to which he answered that the time had not yet come to die nor was it their duty—rather it was their duty to save themselves if they could, for in this war there are many who were risking and giving their lives in order that as many Moors [Muslims] as possible should survive, (ibid, 196)." *SubhanAllah*! Look at the concern of the *mujahideen* for the Muslims first and foremost. What is more surprising however is the bravery of the people of the town who desired to fight the Christians and were not afraid, since only two things awaited them: victory or *shahada*. The commander realized the people were not leaving, so he left with 130 foreign mujahideen and retreated towards Guejar, where all the other commanders were based, (Guejar is east of Garnata and only a short distance away). From there they organized and sent raiding parties into Garnata for punitive raids and collected a large quantity of spoils. Don John sent more than 10,000 troops to take Guejar, and they easily captured it, only to find out that the Muslims had all escaped hours before, due to their sentries and spies knowing about Don John's troop movements prior to his arrival at Guejar. A new strategy was formulated by Don John and that was to send one part of his massive army, under his command, northwards to Wadi Ash and Galera. While simultaneously he would send a second army through the south through Albuenales and Orgiva. This would split Muslim forces and it would be followed by both Spanish armies proceeding to hit the heart of the Al Bushra mountains to hit the Muslim base and those retreating to it.


THE KINGDOM OF GRANADA DURING THE SECOND GRANADAN WAR (1569-1570)
Córdoba
Guadalquivir
Úbeda
Jaén
Huéscar
Galera
María
Vélez-Blanco
Vélez-Rubio
Guadiana Menor
Segura
Baza
Guádix
Genil
Granada
Mojácar
Cabo Cope
Sierra Nevada
Andarax
Tablate
Las Alpujarras
Sierra de Contraviesa
Sierra de Gádor
Almería
Sierra de Gata
Montes de Málaga
Vélez-Málaga
Málaga
Almuñécar
Salobreña
Adra
Castil Ferro
Cabo Sacratif
Cabo de Gata
MEDITERRANEAN SEA
N
0 10 20 30 Kilometres
0 10 20 Miles
Don John's campaigns upon Wadi Ash and Galera and final offensive on Al Bushra
Duke of Sesa's forces in the south fighting in Albunuelas and Orgiva, while pushing northward into Al Bushra.

Ibn Abu, seeing the reversal of fortune tried to compensate by raiding Spanish garrison towns but was unable to, sustaining heavy losses. It soon began to dawn on him that the Muslims were in a dire situation of the battlefield reversals, their heavy losses and the lack of adequate help from the Uthmanis. He sent his Turkish commander, Hussaini to Algiers to tell Uruj Ali Pasha that they needed arms and men desperately, and if not, at least ships that would allow the Muslims to escape from Spain. He sent a family member of his to Istanbul to the *khalifa* with an identical message. In fact a desperate message from Ibn Abu is in Appendix W dated Febuary 1570 where Ibn Abu bleakly states to Uruj Ali Pasha:

> "We ask your majesty to inform the powerful Sultan[210] about our news and situation and about the great war which we are fighting and tell his majesty that if he wants to include us in the realm of his care and mercy then he should hurry to rescue us before we are destroyed. There are two powerful armies coming towards us, attacking us from two sides. If we are defeated in the battle, then Allah (سبحانه و تعلى) will give him a difficult reckoning for that on the Day of Resurrection- the day when power will be of no use against any excuse. Peace and blessings of Allah upon you."

So as the battle had intensified between the Christians and the *mujahideen*, this was the time chosen by the Uthmani's to withdraw any sembelance of hope by invading Cyprus, (which was closer and a much richer prize), than save the Muslims of Andalus, (which was in far off Spain and would only be a devastatingly expensive adventure). In many ways the actions of the Uthmani Khalifa have to be analyzed not through a global prism but rather through the rubric of Uthmani domestic politics. If we look at the letter of the Uthmani Sultan to Ibn Ummaya in January of 1569, he said:

> "But the disbelievers of the island of Cyprus, which is near to my safeguarded domains, are those who have the covenant of protection [from us] since the time of my glorious ancestors - May Allah enlighten their proofs- broke their covenants and started to attack the merchants, the Muslims, sea travelers on their way to circumambulate the sacred house of Allah (*Al-ka'ba*), to visit the *Masjid Al Nabawi*…(Turkish National Archives)."

First of all, Cyprus was rich in Cotton production and Sugar which certainly provided a economic incentive to the Uthmani's by which to conquer it. Secondly, Cyprus was, at that time, a Venetian possession, and Venice was a rival of the Uthmanis. Nothing would be better than taking away a major staging base of the Venetians, (especially since Malta, another Venetian possession, had been taken in the early part of the 16th century CE). Moreover, since Venetian ships had started to harass Uthmani shipping and, especially, *hujjaaj*, how would the *khalifa* look to the average citizen of the *khilaafa* if he fails to safeguard the *hujjaj* and, Allah forbid, would allow the Venetian *kuffaar* to mount hit and run attacks on the coast of Anatolia or near Istanbul? Thus we can see for partially domestic and partially internation policy reasons, Cyprus was chosen as a better target for campaigning instead of Andalus, (which it would seem that the Uthmanis thought of the *jihad* in Al Bushra as, perhaps, a lost cause?).

At the same time, Pedro de Deza, the principal royal agent in Garanata for King Phillip II concocted a plan wherein Alonso Del Castillo, (the Spanish spy and Muslim traitor), would pose as a

[210] Uthmani *khalifa*, Salim II

fortune teller, and would reinterpret the prophecies[211] of victory for the Muslims as defeat and would urge the Muslims to surrender. Thus on February 26th 1570, Alonso Del Castillo, wrote a letter to that effect and distributed it throughout the *Al Bushra* mountains by way of a Muslim agent of the Duke of Sesa. Castillo conjured up rebuttals to these prophecies by making prophecies of his own and answering falsehood with falsehood. One the other hand pay attention to what he says in the end of his letter:

> … And having awoken to find a way which makes it possible to maintain and continue what was begun, it is true that I am compelled by your great love, and what I owe as service to Allah, The Almighty, to declare that which is the reality of the truth felt about this matter. Through which it is expected to achieve mercy before Allah on the day that none can take advantage of their wealth nor the families, but purity of the heart from every blemishes and sin. And that which with my efforts to reach to undersand [what it] is. What is very wrong and off the path of the truth and it is achieving that which you always hoped for. Convinced, miserable and our misfortunes, its flimsy excuses, non-existent forces and empty promises that can not guide us in the end [to what] we desire. And if we look to them, be certain that we will lose faith in the relief of the Turks [Uthmanis], and making sure they, those who see clearly, that they tease and fool us, and we desire our ruin: because they have not gained as much as [they wished to] take advantage of our wealth and our women and daughters, as we have seen. And when they find riches, they will move [back] to their land and leave us laden with troubles and worries, using their usual tyranny and evil, which is their nature, and then they will laugh at us, since we have made and continue to do more than usual where they come. Certainly I tell you, that which has already happened; and many of them have told me that:
>
> > "If we do not come [across] more benefits for us than we have seen up to now, we have to loot and take however much we can, And will go [back]; And that [the loot] is worth more than to lead those who stay with the Christians
>
> And they do not hesitate to do so, which they have already begun to do, because as these people are foreigners, barbarians, and lack any loyalty and mercy, and of tyrannical nature and very greedy: This is very normal in easterners[212] and the people of the *Maghrib*, and as our old proverb says, which approximately is:
>
> > *"All who come from the east [levant] are good, apart from men and the air"*
>
> It is like that, and that the proof which can be seen is done every day [by them]; and for what they have done elsewhere, as in Algiers, where on the call of help by the King of that city, we saw all that was done with the kingdom, and subjugation of all its people, and until today their domain is in decline, [under] tyranny and tribute [i.e. paying tax to the rulers], and it is natural that some would like more to be a tax payer to another [i.e. a Muslim king] than any Christian king. They did the same in Tunis, in the time of Khair Al Deen 'Barbarrosa,' who pretended to want to rescue a king of that city, won the kingdom and was the cause of the destruction of the Muslims, as we all know. These and other similar things have been

[211] Prophesizing events on the basis of omens was unfortunately a *bidah* that was prevelant at this time and before, in Andalus.
[212] levantiscos

done in our days.…as our prophecy says that our generation will perish [in fighting] '*Bayna Barbar wa Ajam*[213],' meaning between Berbers and non-arabs[214]…

…these contrast to what is found in the *Sunna* about this [the prophecies], because it is our total destruction and perpetual triumph of the Christians that will subjegate the land of Europe, as is referred to by these words that our Prophet said…

Besides this, I do not know who puts in doubt the power of the great King of Spain, and we compare with him as a fly with an elephant.

And for the excesses that have been done, it can be said, as we have said, the language of the representation of this war, is that of a Mosquito talking to a very tall oak, that, having whispered into it [the Oak] a good time, asks forgiveness for the noise it appears to have made. The Oak responds: Certainly, you do not have to ask forgiveness, because I did not feel it when you entered among my branches, nor when you left them.

In truth I tell you, brothers, that this powerful king is not having [any] more of our madness, which is the noise of the mosquito, and some of us seek revenge, which in an hour would be the [cause of the] end our lives. Eventhough they do not send of their people other than the lame.[215] And if we are confident in their [Uthmani and Magrhibi] aid, who are liars, seducing us with promises, the more you get angry, and give cause to do what Hercules did with the Pygmies[216], which left them all shocked seeing his [Hercules's] contempt... As well [as that] I want to disappointment you, that inspite of all the relief of the Turks and Arabs and Kings of Africa arriving, it can not win anything [against] the King of Spain, because he is invincible, and today the kings of the east and west are all afraid, and we saw that none dared to attack him… and they conquered their frontiers which they have been unable to recover with all the power they have, staying within the limits of their kingdoms. So if this is so, what confidence do we have, or that which we can assume upon, to take what he holds within in his own frontiers?

Considering this as valid and convincing reasons, I believe, my brethren, to think very well about what we do, and raise the hand of war[217], seeking some means which will be less damaging to us, to follow the doctrine of the sane which says:

Of two evils, choose the lesser as it is better being blind in one eye than completely blind[218]

[213] Actually it also means non arab or Persian or Barbarian

[214] 'Advenedizos.' This translates as upstart or new comer, which would be wrong in the context. I have corrected it in the text

[215] The Spanish are destroying the Muslims even while fielding a sub par army. The best is yet to come according to this traitor, Alonso de Castillo. May Allah give him what he deserves.

[216] The Pygmies were a tribe of diminutive humans in Greek mythology. Their name in Greek was Pygmaioi, from *pygmê*, the length of the forearm. In the greek legend in question, the Pygmies once encountered Hercules, and climbing all over the sleeping Hercules attempted to bind him down, but when he stood up they fell off.

[217] i.e. surrender

[218] A false and devious invitation to use *Maslaha* which is a concept invoked to prohibit or permit something on the basis of whether or not it serves the public's benefit or welfare. In this case to give allegiance to the kuffaar and accept to be ruled oved by a law other than the shariah.

I understand the great temperance and fairness that we have seen in this King, who will give us, trying with time, and not being very mad: because the fault of the error made was inconsiderable. In principle the door of remedy is held open, only to be then closed with perseverance and persistence, and as our old proverb says,

Whosoever can not win the game, Good is that which the dawn brings…[219]

And forgive me that I do not declare to you who I am, in stating my intention, because I do so for fear of slander by those who want to follow this bad luck, and because the truth was always odious to those who don't have pride in it. This is written in this Al Bushra by one of your special friends, and the well wisher of all,

20th of the moon of Ramadan in the year of 977AH [26 February 1570].

May Allah make us members of His goods and blessing for His infinite mercy.

(Ibid, 272-279)"

Regarding these 'prophecies' that were made, Alonso retorts:

" 'I give little credit to any of them [these prophecies of Muslim victory] because there is no mention of them in the Koran or in the Law [Shariah] approved by the Caliphs.' No one dared to attack the might king of Spain overseas, so 'how can we hope to take what he holds within in his own frontiers?' The best course was to surrender and 'perhaps the king will take pity on us,' (Goodman, 39)."

Ultimately, Castillo is right in his subversiveness, that indeed the prophecies were not included in the Quran or Shariah. However, the rationale for Muslims to surrender was that, since the Muslim powers overseas, (i.e. the Uthmanis), are not fighting the Spanish, (and neither did they have the courage to fight), then why should the Andalusis? He implies the Uthmanis are not fighting Spain since the Uthmanis do not have the capabilities to defeat the Spanish. So then how, O Andalusian can you defeat the mighty king Philip and the Spanish superpower? In fact he goes as far as saying the King Philip was 'invincible.' Moreover he plays on a devious but ingenius tactic, which was to divide the Muslims and making the Andalusis fear and despise the 'foreigners' and the 'non-arabs.' Morever he eerily uses a concept that Muslims scholars and leaders use today in the current 'War on terrorism,' which is that of *Maslaha* in things where it is not applicable. Alonso De Castillo calls on the Muslims of Al Bushra to put down their arms, even though they might dislike Philip II and giving up jihad but, as Alonso says, "Of two evils, choose the lesser and it is better being blind in one eye than completely blind." This has become our *mantra* today because we are told, that America and its NATO allies are 'invincible,' and can not be defeated. Men of the *Deen* now assume that Allah can be defeated by men, be they American, China or Russia or any other *kafir* force! May Allah save us from this tribulation and strengthen our resolve to fight to raise His word the highest. This is what the court scholars of the Muslim world argue, especially those of Pakistan, Saudi and Egypt, regarding Iraq, Afghanistan, Algeria and more recently in Gaza, (not to mention the dozen or so jihads going on around the world rejected by these scholars such as the Philipines, Kashmir, Chechnya, Somalia and in East Turkestan).

[219] The meaning of this proverb is roughly, "If you cant win, quit and live to see another day"

This tactic of using prophecies, as much falsehood as they are, has been used before, namely in World War II, when leaflets with false Nostradamus quatrains predicting the defeat of France were launched by German planes over European skies. The Allies led by America responded in kind, both with air-dropped leaflets and via the American film *Nostradamus Says So*. As for more current applications, you do not need look further than the media during and after the Crusader invasion of Afghanistan in 2001. The media portrayed the American war machines is the greatest of all time and invincible. What could men with a mere Kalashnikov and RPG do against an army that is greater than the Roman Caesar's? As Cofer Black, the former head of the CIA's Counterterrorism center told his Russian counterpart before the war in 2001 that, "were going to kill them [the *mujahideen*/Al Qaeda]…were going to put their heads on sticks. Were going to rock their world, (Woodward, 103)." Morever the same divide and conquer tactic was used during the 'War on Terror', as Bob Woodward, (who wrote *Bush at War* and had full access to the White House and President Bush prior to and during the war), said:

> "Second, the CIA experts said it was important to make the war Afghan versus Arab, not some Westerners versus Afghans. It was critical to frame the war as one of liberation…The thousands of foreign born Arabs who had come to Afghanistan to train in Al Qaeda camps were the outsiders, the invaders. The war was against them…(ibid, 114)."

SubhanAllah! The *kuffaar* are telling us with their own mouths they want to cause fitnah amongst us and use Muslims to fight Muslims, so then what do those people have that constantly criticize the mujahideen fighting their security forces of Muslim countrie? These 'armies' have been the vanguard in the crusader army! Good Muslim brothers in these armies, (and there quite a few), need to realize their grave mistake, repent, fight for the sake of Allah and not for the sake of money or a job and join the mujahideen before it is too late. Examples of these propaganda devices are the following pamphlets dropped onto Afghanistan during the first phase of the war in 2001. This is the back and front of pamphlet # AFD 040f which attempts to scare the Al Qaeda and Taliban mujahideen into surrender due to the 'awesome' might of the American military machine:



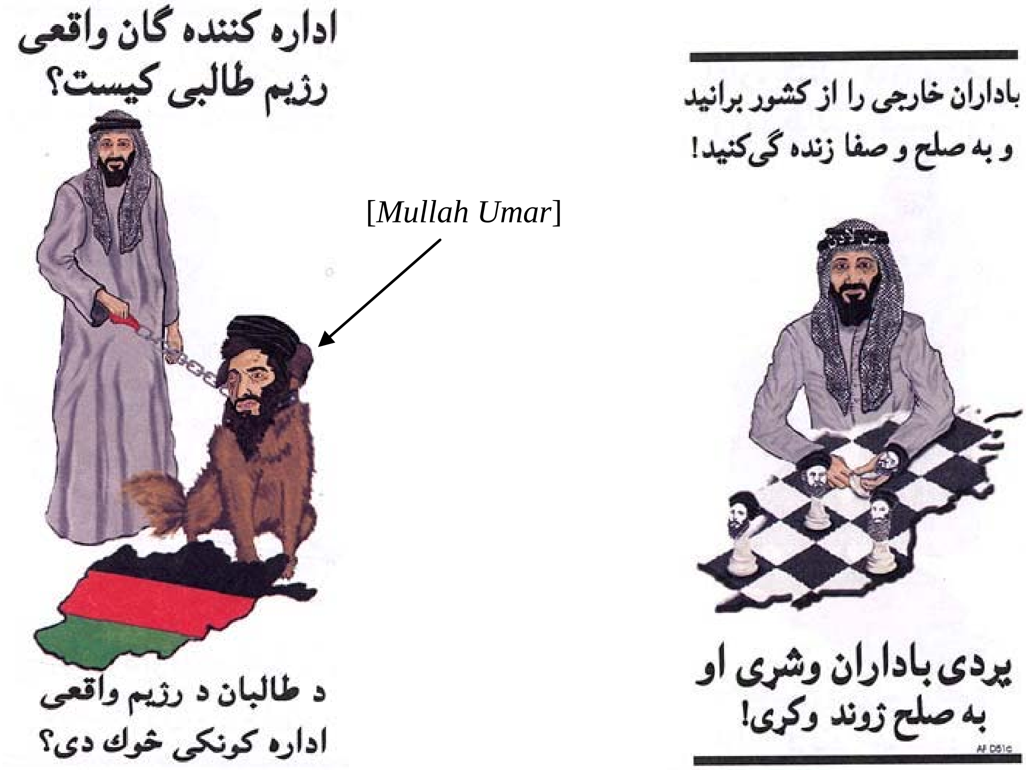


The pamphlet below is AF D48a and encourages fighters to surrender and not fight, because if they do they will be obliterated:





The pamphlet below is AF D51c and creates the false notion that Al Qaeda controls the Taliban and that ‘foreign’ forces are controlling Afghanistan:



Or even pamphlet AF D24:



To further this point, in a ‘Dateline’ documentary on the Australian SBS channel in circa 2005/2006, footage is shown by the embedded reporter showing US Special forces Psychological Operations men engaging in a PSYOP by broadcasting messages into villages such as where the Pashto speaking translator ask the people of the village (from 5:00-5:10):

> “Ask them: who are you? What is your mission in Afghanistan?…When you look at them, these men, they are the servants of Pakistan and slaves to the Punjabis, (SBS, 2005/2006)”

Further footage is show of a PSYOPS team burning the bodies of Taliban Mujahideen and the presenter describes the scene while the burning bodies are in frame, (9:30-9:50):

> "US soldiers have set fire to the bodies of the two Taliban killed the night before, the burning of the corpses and the fact they have laid out facing Mecca is a deliberate desecration of Muslims beliefs, (ibid)."

In their defence, the soldiers said they were merely burning the bodies for 'hygiene purposes.'

Further in the documentary, a propaganda message was blasted into town below by a PSYOPS team while the bodies are still burning on hill above, (10:03-10:20):

> "Attention Taliban: you are all cowardly dogs, you allowed your fellow fighters to be laid down facing west and burned. You were too scared to come down and retrieve their bodies. This just proves that you are the lady-boys [a cute way of saying homosexuals in the metaphorical sense] we always believed you to be, (ibid)."

The other message from the PSYOPS commander announced into the village was, (10:30-10:46):

> " Attention [Taliban commanders] we know who you are and your time in Afghanistan is short, you attack and run away like women. You call yourself 'Talibs' but youre a disgrace to the Muslim religion and you bring shame upon your family. Come and fight like men, instead of the cowardly dogs you are, (ibid)."

So we can see that the Americans are certainly not the first nor the last to use either Islamic concepts, Islamic scholars and even fellow Muslims to fight the Mujahideen and Islam. Our reponse is that with Allah is the judgement of those that collaborate with the Americans, NATO or any other *Kafir* power, but we will kill them here if they do not desist and leave their shameful status as slaves to the *kuffaar*, putting themselves in the position of losing their hereafter and their worldly possessions and status. As to the Americans, (and in fact to all *kafir* countries without exception), the accusation that the mujahideen are cowardly is an amazing leap of logic, when it is the American led crusaders who bomb our cities from 50,000 ft. in the sky with 7000 Lbs bombs. What the bravery in firing from the air? Come down to the ground if you want a fight. If not, then please spare us your stupidity and lies about your bravery which no one believes in any case, in fact not even your citizens believe it. You quiver when one *mujahid* with a car with a perhaps a mere 100 Kg of explosives hits one of your bases, which is packed with the latest military hardware, radars, APC's, helicopters, Mortars and hundreds of men, (and Wifi internet might I add), you all start running around like headless chickens. In word of Commander Abu al Hassan (RH) during an interview he gave to Al Jazeera, under the very American jets that he was taunting during the American bombardment in 2001:

> "O you Americans: If you are really men as you claim, and if you really are a superpower, then here we are, waiting for you! If you really are men, then come down to the battleground, and by Allah! We shall seize you as if we were birds! Allah is with us! And Allah is our Patron! While you have no patron! And we are awaiting *jannah*, while you are awaiting the Fire in this world and the next![220]"

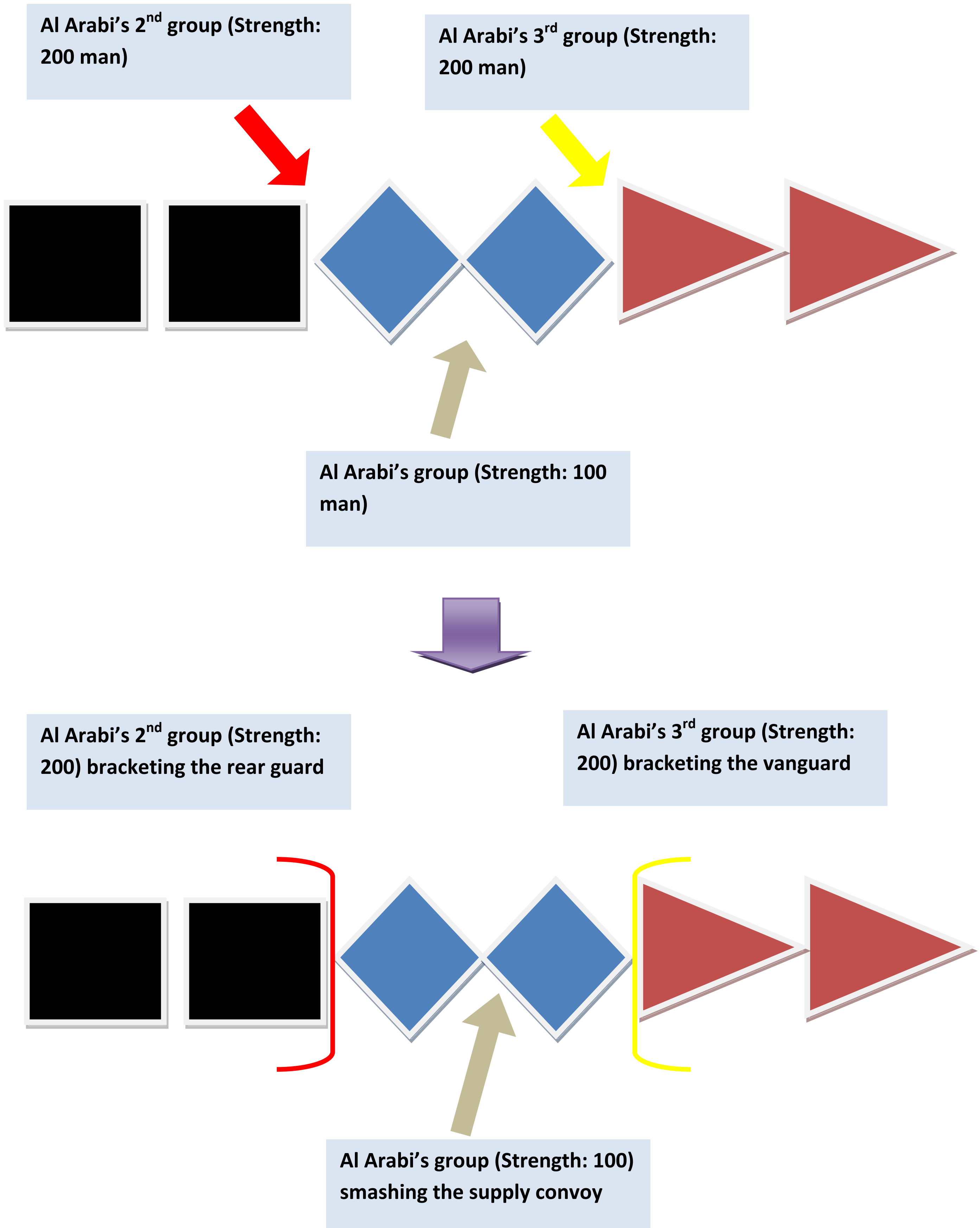
[220] Al Sahab Media production, entitled "Commander Abu Al-Hassan: Jihad and Martyrdom"

We should learn from the mistakes of our past that people like Alsonso De Castillo still exist and are willing to sell their *deen* for a measly price and to earn the gratitude of their *kafir* masters. Namely these are the Army officials who openly collude with the Americans and kill and/or imprison mujahideen themselves. They are also the government officials of the Muslims world that have sold us all out for a measly price to be known as 'true' democracies, while abolishing whatever sembelance of Islamic law there was in our lands. They are those who supply supplies to the *kafir* troops such as oil, food and other supplies. They are also those translators who work for the *kafir* armies. All of these people should be killed for their treachery, (until and unless they desist, repent, and leave their positions and at the very least, not become an impediment to the mujahideen by way of their speech or actions).

Returning to Andalus, by March 1570, Galera and Wadi Ash were retaken, while the Duke of Sesa had already taken over Orgiva and Albuenales. Both armies now headed to towards Al Bushra to crush the mujahideen. Ibn Abu decided to dispatch 800 men in multiple positions fom Andarash to Orgiva, an additional 1000 troops in various locations towards the south near Adra and Almeria and another 600 troops to harry Spanish forces all the way to Balsh-Malaqa. All these troops were meant to disrupt the Duke of Sesa's supply and reinforcement columns. Ibn Abu kept with himself 4000 Arquebusiermen and crossbowmen at Andarash, while two thousand of these were sent ahead to keep an eye on the Duke of Sesa's camp, which was nearby. In April 1570, (the specific date is unknown), it is reported that Al Habaqi, Muhammad Ibn Abu, (Ibn Abu's deputy and brother), Musa Cache[221] and Al Husseini, (the Turkish captain), came out to negotiate with the Spanish and offered to cease the *jihad* if the Spanish promised a royal pardon, freedom for Muslims to return to their homes and for the freedom for Muslims to leave Spain for the Maghrib. They also asked for safe passage for the foreign mujahideen, (Turks and Maghribis), and were granted it. It would seem that during this end phase of the Al Bushra *jihad*, Ibn Abu had made a concerted decision to let the foreign mujahideen leave and keep a lean force of local Muslims, so that the foreign mujahideen can live to fight another day, (and send word of the *jihad* back to their homelands to recruit further and raise public awareness of the plight of the Muslims in Al Bushra). It can also be assumed he had no intention of leading these righteous foreign *mujahideen* to a slaughter and so negotiated to allow them to leave, (in turn Husseini, Caravaji, Caracaj and Nabil[222] returned to their homelands soon after). However, the result of the negotiations is unclear and seems confusing in light of the following event. On April 16, 1570, The Duke of Sesa sent 1000 infantry and 100 cavalrymen with supplies from Garnata through the La Ravaha pass, (through the Al Bushra mountains), to reinforce his troops at La Calahorra, (which was located north of Andarash on the other side of the mountains). Ibn Abu received word of this convoy and sent of his governors, Al-Arabi, with 500 men to follow the convoy and await orders. Al Arabi split his army into three divisions with 100 under his personal command while the other two divisions had 200 men each. The tactics for the ambush lay in the fact that the Spanish convoy consisted of a rearguard which was preceded by the supply convoy which was preceded by the vanguard. Al Arabi's second division were meant to mount an attack to bracket the rearguard by mounting a frontal attack on the rearguard, separating them from the rest. Al Arabi's third division would then mount a rear attack on the vanguard and separate them from the rest of the group, and in effect, the supply convoy would be left undefended and isolated, which Al Arabi would destroy:

221 Another unknown entity, but he is likely a member of Ibn Abu's Shura.

222 A heretofor unknown Turkish commander, but he shall be mentioned shortly in the context of peace negotiations with the Spanish.


Al Arabi's 2nd group (Strength: 200 man)
Al Arabi's 3rd group (Strength: 200 man)
Al Arabi's group (Strength: 100 man)
Al Arabi's 2nd group (Strength: 200) bracketing the rear guard
Al Arabi's 3rd group (Strength: 200) bracketing the vanguard
Al Arabi's group (Strength: 100) smashing the supply convoy

The attack was a resounding success and the supply convoy and the supporting troops were decimated. What was more shocking was that the Spanish vanguard did not come to the aid of their rearguard as they believed that the cavalry of their rearguard running was a sign of them successfully repulsing the attack of the mujahideen! The Spanish lost 1000 men and 15 were taken as prisoner by the mujahideen. They also free 70 Muslim women that were taken by the Christians and had taken more than 300 horses and mules as spoils. Deigo Hurtado de Mendoza said of the mujahideen that “they did not have a single man wounded, killed or taken prisoner, (Mendoza, 225).” In light of this disaster, and the increased mujahideen presence in the key La Ravaha pass, (which was the main corridor for supplies from Granada to the northern end of the mountains), he decided to give up on receiving supplies and went to Berja to premept any attempt by the mujahideen resupplying Andarash with supplies and men from the Maghrib, (Berja was on the road from the port city of Adra). Increasingly the Spanish were now turning to a ‘scorched earth’ policy, wherein, when they did not find the mujahideen they would burn the crops of the areas they passed through to deprive the Muslims who live there of a livelihood and food and slowly, but surely, starve them. As for the previous mention of negotiations taking place between the Spanish and the Muslim delegation, it would not make sense why Muslims would strive for a negotiated settlement while then ambushing and attacking the enemy. However, it would make sense that perhaps Ibn Abu and his shura had decided military they were not going to win the war so the best thing to do is to negotiate a favorable settlement where Muslims would be free to leave Spain, and if they wanted to stay, they could negotiate for protection of the Muslims. Ibn Abu could only make the Spanish more agreeable to his terms by increasing the intensity of his guerilla attacks, killing more Spanish soldiers and causing large material losses so as to make the Spanish want peace. One of the biggest factors that led to Ibn Abu pursuing peace was that he was let down by Uruj Ali Pasha and the Uthmani promise of sending troops and supplies.

Disequiet and desertion was rising in the Duke of Sesa’s camp. He left a group of troops at Ugijar, (between Orgiva and Andarash), and they had moved south to Adra to resupply but soldiers were talking about mutinying against the Duke. In any case, 300 Arquebusiermen went out with a courier for messages, presumably, for King Phillip II and Don John. Al Arabi and another captain ambushed them, and killed 200 of them, while 70 were taken prisoner. In fact the garrison that the Duke had left at Ugijar had deserted and the Muslims picked up plentiful spoils including munitions and gunpowder, (ibid, 227). Ibn Abu’s success continued when they raided Salobrena, (a town close to the coast and south of the Lecrin Valley), and captured many Spanish and Italian, (probably Venetian), merchants and gained a large amount of spoils from them. Ibn Abu sent another ambush party towards Garnata and ambushed Don Deigo Osario, “…who was carrying despatches from the king for Don John and the duke. These depatches were highly secret containing…plans for finishing the war and information about our [Spanish] knowledge of the negotiations that El Habqui [Al Habaqi] had been conducting in Algiers with the Turks, (ibid).” Don Deigo escaped, but the intelligence was invaluable. The Spanish themselves were collecting intelligence, and captured Muslim communiqués and Spanish spies indicated that the Uthmanis wanted to resupply Ibn Abu by landing supplies at Castil de Ferro, (where a mujahideen garrison existed to secure supplies), and march them north towards the mountains. The Spanish decided to siege Castil de Ferro, and as was mentioned before, the Spanish were attacking a garrison that barely numbered 60 people. Knowing that they were outnumbered, the garrison held out till the night, wherein they escaped and regressed towards Andarash and joined up with Ibn Abu. Therein, Ibn Abu had lost his port which would allow for supply of men and arms and escape of women and children, (many wives of the Muslims were found in the garrison at Castil de Ferro awaiting escape to the *Maghrib*). Nevertheles, as we shall see later, the *mujahideen* managed to land at the port inspite of it being under control of the Spanish. The noose had begun to tighten.

The End of the Jihad And The Relocation Of The Muslims:

King Phillip II had realized that the Muslims in these concentrated mountainous pockets were a threat to the security of Spain in general, (as they could be used by the Uthmanis to mount a land invasion of Spain and provide them intelligence on the Spanish and the land), and Garnata in particular. He decided to begin the forced expulsion and relocation of Muslim in Garnata by distributing them to Christian majority areas in North Castile. The first target they had was the Muslim enclave of Runda, (Ronda), which had not openly joined with the mujahideen yet, and to preempt and attempt at the Rundans joining the mujahideen, on the 20th of May 1570, they sent 4500 infantrymen and 110 cavalry men to surround Runda at *fajr* time and 'evacuate' all the Muslims out of Runda to Northern Castile. The Muslims, for good reason, did not trust the Spanish and when they saw the soldiers, they began to pack up their belongings and moved their women and children uphill, while the men took to arms. The Spanish troops begain looting and killing and the Muslims responded by attacking back. Seeing the chaos and to avoid inflaming the Muslims further, Captain Pedro Bermudez moves all the remaining women, children and old people of the town to the Church at Ubrique, which is 27 km west of Runda. In essence they were prisoners, for a lack of a better word, and the Muslims attacked the church and the guards defending, freeing all the Muslims inside. The Muslims killed 40 of the guards that were defending the Church. The Spanish retreated with 12,000 official Muslim prisoners from the town while even more were taken by the troops, who took Muslim men, woman and children as their personal slaves to be sold at auctions for a profit. In total it can be estimated that 20-30,000 Muslims were taken by the Spanish, not including those killed by them, (ibid, 233). Those 12,000 Muslims were promptly delivered to be distributed throughout Castile. The refugees and esapees from Runda, seeing what fate awaited them and their brethren if they surrendered, decided to send their women, children and elderly uphill into the well defended Muslim enclaves while they were ready to fight, till the death if needed. However, some Rundan Muslims entered into negotiations with King, (under the leadership of Al Arabeek [El Arabique]), and said that they were willing to obey the king and lay down their arms as long as they can keep their land, children and women when they relocate. The King replied and conceded to all the demands of these Muslims and subsequently, "a few Moors [Muslims] came in to surrender but they brought very few arms with them, and when asked why, told their interrogators that those of their compatriots who were determined to stay and fight it out had prevented them, (ibid, 241)." They were those traitors who were will to live under *kufr* and obey it, at the expense of their Muslim brethren.

On May 28th, Marmol reports that a Spanish envoy had come to negotiate with Ibn Abu on surrender terms. It seems that Ibn Abu continued the negotiations until he received word that a small contingent of mujahideen had just arrived at Castil de Ferro, (they arrived covertly as the Spanish had recently retaken control of the port), and they brought news that more help from Algiers was on the way. As soon as he received word, he ended negotiations, (Carajaval, 254). This lends strong credence to my analysis that Ibn Abu was simply biding for time as for additional reinforcements to arrive. If the troops didn't arrive, he increased his tempo of attacks as to force the Spanish to negotiating table to gain a favorable settlement for the Muslims. In no way does it appear that Ibn Abu chose negotiation as a first choice, or due to cowardice or bad judgement. However, Al Habaqi was of a different mind and he was truly negotiating for peace and not doing it as a stratagem of war. On May 30 1570, he arrived in Yegen, (a small town 21 km west of Andarash and north of Cadiar), after a negotiation session with the Don John. He is reported to have gone in the town and demanded all the people of the town surrender. The people said they were, "…waiting for Aben Aboo [Ibn Abu] to give the word, (Harvey, Muslims in Spain 1500-1614, 232)." Reportedly, Al Habaqi said if, "…Aben Aboo [Ibn Abu] did not willingly come in, he (el Habaqui) would bring him in 'tied to the

tail of his horse,' (ibid)." Understandably when the news of this reached Ibn Abu, he sent his bodyguard to arrest him. Al Habaqi resisted arrest but was eventually strangled to death secretly and his body was disposed of, (ibid, 233). Ibn Abu wrote a letter to Algiers to numerous senior Turkish *mujahideen* to explain his actions, (the letter is found in Marmol's book on the Al Bushra *jihad*):

> "Praise be to Allah [Al Hamdu lillah], who is one. From the servant of the One God [Allah] to the commanders Bazquez [Vasquez] Aga Baxit [Basit] and to all our Turkish friends and confederates:
>
> We would have you know that we are well, praise be to Allah [*Al Hamdu lillah*], and if only we might see you in person, we would lack nothing to content us. You should know Nebel[223] [Nabil] and commandant Caracax [Caracaj] have destroyed us, and the whole kingdom, because they came to tell us they wished to return home, and although we did not wish to permit them to leave, for we still hope for help from Allah, and from you, still they insisted, and left. If anybody tells you that I gave my permission to the people of Al-Andalus to make peace with the Christians, do not believe them, they are heretics [*kafir*] and do not believe in Allah [Allah]. The truth is that el Habaqui [Al Habaqi] and Muza [Musa] Cache with others went to the Christians, and made a deal with them to to sell the land to them. They then made an agreement with Caracax [Caracaj] and Nebel [Nabil] and with Ali arraez [Al Ra'ees], and Mahamete araez [Muhammad Al Ra'ees] and they and other merchants gave them sixty prisoners, to enable them to obtain ships to cross safely into Barbary [*Maghrib*]. When he made this deal, el Habaqui [Al Habaqi] went to the people, and told them all to surrender to the Christians and to leave Castile. I thought they had in mind the good of the Muslim Community. I subsequently discovered that what they were doing was selling us all out. For this reason I had him arrested and had his throat cut. What has happened here after Caracax [Caracaj] and his companions left, is that the Chrisians attacked us, and there was a very big fight between us and them, and we killed many of them…but we fear that their King [Philip II] will gather together another group, and send it to [fight] against us. Therefore support us soon, Allah is our supporter; and [so] help us, and Allah is our Helper. And for the love of Allah give us tidings [you have] recieved of the Eastern Navy [Uthmani fleet]. And if there are ships prepared on the coast, send those that are able, in which may pass the women and the children: because we desire to continue fighting our enemies to death. And remember, if we are not aided [by you], we will demand [our rights from] you on the Day of Judgement before Allah. With me is Ali Ebalquez with hundred and fifty Turkish [*mujahideen*], and many women and children in distress: Have mercy on them, as you more than any other person in the world are leading this relief...
>
> The date of this letter is the 15th of the month of Safar 978 AH (19th July 1570)
>
> Signed: Muhammad Ibn Abu
>
> (Carajval, 397-399)."

At this time, Abu Muhammad Abdullah Al Ghalib Billah[224] of the Sa'adi dynasty[225], which was ruling portions of Morocco at the time, had been inciting and aiding the Muslims of Garnata for

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[223] Both Caracaj and Nabil, both Turkish *mujahideen* commanders, presumably left in April 1570 during which, negotiations were allegedly ongoing along with Husseini and Caravaji, (the two other Turkish *mujahideen* commanders).

[224] Reigned from 1557-1574 and was the second sultan of the Saadi Dynasty. He came to power to the throne as the legal heir of Mohammed Al Sheikh. During a relatively peaceful reign AbdAllah succeeded in warding off both the Spanish

a considerable period of time. To that end, a Garnatan Muslims by the name of Al Maliki, (who had been a prisoner of the inquisition), and was most probably a freelance agent for Sultan Abu Muhammad, (due to this frequent clandestine trips across to Tetuan and back to Spain), started inciting the Muslim of Runda. Some of the Muslims of the area were ready to negotiate and surrender to King Phillip II, but Al Maliki told them that Al Arabeek and those of his ilk were lying traitors. Reportedly, he also claimed to have proof that Al Arabeek had received 9000 Ducats from the Duke of Sesa and in return he had negotiated away his people, women, children the land and the *deen*, (Mendoza, 242). He apparently told them "…that their hands would be bound and they would be herded down the galleys at Gibralter [Jabal Tariq] and their leaders would be hanged and they themselves hanged condemned to life-sentences at the oars, where they would suffer hunger, cold and blows, and they would remain as their enemies slaves without any hope whatsoever of regaining their liberty until death delivered them, (ibid)." The veracity of this allegation can be questioned, but as for the fate of these Muslims after the *jihad* ended in 1571, Al Maliki was on the mark as all the Muslims of Garnata were forcefully relocated, imprisoned, inslaved and/or killed and eventually expelled out of Spain. As a result, the Muslims of the Runda mountains joined in the *jihad*, and seeked out the traitor Al A'rabeek and his cohorts and stoned them to death. The people of the village of Benahaviz [Ibn Habus[226]], (south of the Runda, near the coast), wished to communicate to the Spanish king that they were willing to surrender in return for a royal pardon, (i.e. amnesty), and to be put under the king's protection, (in other words, assurances that they would not be abused or enslaved). To that effect, they sent a messenger south east to Marbella but through a series of mishaps, and the Christians of Marbella killing the messenger, (since they realized that if the Muslims joined the *jihad*, they could loot and pillage Muslims houses and take many Muslim slaves), negotiations ended. The Muslims of Benahaviz remembered the words of Al Maliki and realized that, perhaps there was more to him than just hot air. They joined the *jihad* shortly afterwards.

The numbers of Spanish troops streaming into Garnata were staggering and the mujahideen had to face the prospect that military victory seemed unlikely. Many of them made arrangements to send their women and children across the sea to the *magrhib*, while the *mujahideen* dispersed in order more to evade Spanish forces than to fight them. Thus there was a shift from guerilla operations, at least in the Runda Mountains, to simply evasion. In addition, the relocation of Muslims were proceeding and Deigo Hurtado de Mendoza says that a classified memo from King Phillip II stated that the order was expanded and that all the Muslims of Garnata should be expelled by October 1570, (ibid, 250). The Duke of Sesa marched on Ronda in late November with more than 1600 troops. Al Maliki and 3000 troops under his command blocked all the mountain passes into the town and

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and the Uthmani's and in consolidating the sovereignty of Saadians over Morocco. He fought the invading Uthmani's in 1558 near the oued Leben and drove them out of the country. After his victory he even occupied Tlemcen for a short period. In 1568 he supported the *jihad* of the Muslims in Al Bushra.

[225] The Dynasty began with the reign of Sultan Mohammed Al Sheikh in 1554. From 1509 to 1554 they had ruled only in the south of Morocco. The Saadian rule ended in 1659 with the end of the reign of Sultan Ahmad Al Abbas. The Saadī family claimed descent from Prophet Muhammad (صلَّى الله عليه وسلَّم) through the line of Ali ibn Abi Talib and Fatima Al Zahra. The most famous sultan of the Saadi was Ahmad al-Mansur (1578–1603), builder of the Al Badi Palace in Marrakesh and contemporary of Elizabeth I. One of their most important achievements was ousting the Portuguese from Morocco, (eventhough they fought the Uthmanis, which would be a failure of judgment on the part of the Sa'adians). However as it applies to the subject at hand, The overall Sa'adi stance and role in relation to the Muslims of Garnata is not as positive as the Uthmanis and their cooperation and aid to the Garnata and might have been due to the Sa'adis sensing that if the *jihad* does succeed, they would like to have a say in the future government, (by sending men they supported to aid the Muslims of Al Bushra), in order to level the playing field with their rivals and enemies, the Uthmanis.

[226] Former ruler of Garnata, Ibn Habus who was apparently the first governor of Garnata when Andalus was opened in 711. It could also be named after the Zirid prince Badees Ibn Haboos, (1038-1073)

prepared to fight. After intense fightings Al Maliki and his leiutanants were granted *shahada* along with more than 200 other Muslims, (according Diego Hurtado de Mendoza). The rest of the army was shattered and dissolved in an attempt to retreat from the area. Those that escaped, escaped towards other Muslims in the Al Bushra Mountains or were able to procure transport to the magrhib, (by private maghribi vessels or perhaps even ships sent by Uruj Ali Pasha from Algiers). The fate of the Muslims caught by the Spanish was a barbaric one, as Diego Hurtado Mendoza describes:

> "Their chiefs, elders and captains had their flesh torn off with pincers, and then they were hanged. The rest were sent to the galleys to serve the king as slaves of the oar, (ibid, 256)."

Muslims were now surrendering in droves, frightened by the tens of thousands of troops pouring into the area. Spanish troops were operating now in the Al Bushra mountains and Ibn Abu was "…hiding himself in one cave after the other, (Marmol, 269)." Ibn Abu had determined to fight till *shahada* and only a few men remained aside him, and those were, Bernardino Abu Amer, (his secretary), and Gonzalo Al Seniz. As normal Muslims surrendered, one high ranking Muslim also surrendered called Faraj, (not to be confused with Faraj Ibn Faraj), who when interrogated, said that he knew Ibn Abu's chief of governors, (Gonzalo Al Seniz), and several senior Muslims that allegedly wanted to surrender, if only they could be given assurances of a royal pardon. His Spanish interrogator, Francisco Barredo, made the adequate arrangements to secretly meet Gonzalo Al Jeniz and offer him, his family members and all cooperative Muslims a royal pardon in return for capturing or killing Ibn Abu. Gonzalo Al Seniz agreed and set about to ambush Ibn Abu. Gonzalo called Ibn Abu to Berchules to discuss important matters of the state, and unfortunately for Ibn Abu, he thought it prudent to leave behind all but one of his 20 man bodyguard team for reasons of secrecy of the visit, (so that no one would know he was visiting Gonzalo. After all, he thought Gonzalo really wanted to meet him to discuss important strategic affairs). They chatted idly for a few moments until Gonzalo told Ibn Abu of his plan, and offered him a chance to surrender. Ibn Abu, incensed at Gonzalo's betrayal, tried to leave, but was cornerd and bludgeoned to death with a large stone. One assumes that either his bodyguard was killed as well, or that he stood idly by and looked on. And so, on March 15, 1571, the *jihad* ended in *shahada* for this hero, albeit he and the other Muslims did not achieve military victory, they were truthful with Allah and Allah was truthful with them. Al Seniz and the loyal servants of the *kuffaar* then took the body to Francisco Barredo who ordered the body to be degutted and filled with straw, (Mendoza, 258). The humiliation continued, as Barredo then "…put a wooden plank between his [Ibn Abu's corpse] shoulders and a pack saddle on a mule and hoisted him up so that he seemed to be riding It and the great crowds could all see him and in this manner he entered Granada, (ibid)." After much fanfare, the mayor of Garnata came out and beheaded the corpse in the city square, while the dismembered body was dragged around by people in the streets and then burnt. Ibn Abu's head to one of the city gates and "…hung a wooden cage in which they placed the head…(ibid, 259)." As for Spanish casualties in this *jihad*, at the hand of such few men, of such few means, they reportedly killed 60,000 Spaniards, (Lea, 'Moriscos of Spain,' 308).

However the Uthmanis did not stop trying to liberate Al Andalus after the defeat of the *mujahideen*. Rather it continued it's planning to try to liberate Al Andalus by trying to send arms and men to rearm and reorganize the *mujahideen*. From letters that were unearthed from the *Munsheat Al Salateen*, which was a collection of letters from the Uthmani Grand *Wazir*, (*Wazir A'dham*/can also be called Prime minister), Sokullu Muhammad Pasha and other state communications during that period of time, (the collection was compiled by his chief secretary, Fareedun Baig). A letter written in approximately 1574, sent from the Grand Wazir to the Andalusis explained that now that the

Uthmanis had occupied Cyprus and had accomplished their engagements in the east, they would now turn their attention towards Andalus once again. In one part of the letter the Wazir says:

> "Therefor our man, whose name is not revealed [*Mahrem naam adamiz*], from the special servants of the Empire [*khilaafa*] and who is knowledgeable of those regions [Andalus], has been sent to you with a book that shows [our] friendship. When our above mentioned man arrives, *insha'Allah*, may He be exalted, all of you shall consult together in good agreement and complete unity. Also, if in whatever year and time you will have the ability and power to move on and attack the enemies of religion [*deen*] with the zeal of the Evident Religion [*deen*], accordingly you shall, with the knowledge of our above mentioned man, send your men to the Threshold of Felicity [Istanbul] from the direction of Algeria. You shall communicate in detail with one another in order that the preperations of the enemies of evil repute shall be known, that [aid] will arrive for you by sea and land on the time that was appointed and assigned, and that they [the Uthmani territory of Algeria] will render every assistance, (Hess, 1968, 18)."

Furthermore, the Uthmanis were attempting to use the enemies of the Spanish, the Calvinists of the Netherlands, (the *khalifa* mistook them for Lutherans), against the Spanish, (Note: he did not enter into a treaty or pact with them, he was simply using them). It was planned that the Calvinists would increase pressure and casualties upon the Spanish forces occupying the Netherlands[227], in conjuction with the Muslims of Andalus fighting the Spanish simultaneously. It was hoped that this would weaken the Spanish and allow the Muslims to be able to free themselves of the Spanish and allow the Uthmani forces to establish a foothold in the Iberian peninsula, thus aiding the Muslims of Andalus. In another letter from the *Munsheat Al Salateen*, the Uthmani *khalifa*. Murad III, told the Muslims of Andalus:

> "The Lutheran [Calvinist] sect does not cease war and combat with those who are subject to the Pope and his *madhab* [Catholicism]. You [Andalusis] shall [, therefore,] secretely communicate with them [the Calvinists of the Netherlands], and when they set out upon war and combat with the Pope you also shall take care, jointly, to cause losses to the provinces and soldiers [of the Pope] from your side, (ibid, 19)."

Thus ended the last bright hope of reestablishing the rule of *shariah* in Garnata but there are interesting lessons to be learnt from this episode of Muslims in Andalus:

1. The most glaring thing to ponder for us today is that no Muslim country was willing to come to the aid of the Muslims in Garnata. When I say 'others,' I primarily mean the Uthmanis and secondarily, the small *maghribi* kingdom such as the Sa'adis. The arguments are vast to excuse the Uthmanis, but honestly, was fighting a few hundred crusader knights in Cyprus worth sacrificing the chance of establishing Islam once again in Andalus? Was it worth the torture inflicted upon the Muslims of Andalus, executions, imprisonment, enslavement and their forced relocation? In the defence of the Uthmanis,

[227] The Dutch Revolt or the Eighty Years' War (which ran from 1568-1648), was the successful revolt of the seventeen provinces in the Low Countries against the Spanish Empire. It led to the coming into being of the independent Dutch state of (the Netherlands). The main leader was William of Orange, followed by several of his descendants and relations. This revolt was one of the first successful secessions in Europe, and led to one of the first European republics (which later turned into a kingdom). Spain was initially successful in suppressing the rebellion. In 1572, however, the rebels captured Brielle and the rebellion resurged.

they were constantly worrying more about the Safavid Shias to their south before making any strategic decision. It can be argued that it is due more to the Safavid threat than simply the decision to invade Cyprus that the Uthmanis did not help their brothers in Al Bushra.

2. The Muslim forces attempted to organize their forces and coordinate their strategies in all areas to maximize their efficiency. However, due to the slow participation of the Muslims of Garnata, (i.e. they all joined at intervals of 6-9 after each other), effective integration, and effectively, military victory become all the more unlikely
3. The interesting phenomenon of Moros de Paz, or ‘Peaceful Muslims’ occurred as a Spanish classification. A similar concept was applied in the Americas by the Spanish upon the Native American tribes they encountered, as “…the native people, in the area under Spanish control, those who were known as ‘Peace Indians’ in contrast to the ‘war Indians,’ were guaranteed certain legal rights and protection, (Kamen, 2004, 255). These were the Muslims, as are ‘Rand Muslims’ today, (who will be discussed in the conclusion), who were peaceful Muslims and did not cooperate with the ‘terrorist’ forces of Ibn Ummaya, and subsequently, Ibn Abu. They in fact sometimes collaborated with the Spanish to fight and/or kill the *mujahideen*.

On a brighter note, brave Muslims who perhaps knew of the barbarity of this man and his enemity for Islam, assassinated him in Morocco, (where Barredo was involved in freeing Christian slaves that had been enslaved by Muslims), (Mendoza, 259). So, after Muslims were dealt their final blow in the peninsula, what happened to these Muslims?

Chapter 4:
The Relocation and Expulsion: The Endgame Unfolds

As early as March 1570, gradual relocation of Muslims had begun all over Garnata. It was thought that if the Muslims of Garnata were relocated and scattered about the Kingdom of Castile in Christian majority areas, they would assimilate faster, (i.e. lose their Islam and become better Christians), lose their language, (i.e. Arabic), and would no longer be a threat to the internal security of Spain. The numbers relocated are staggering, (perhaps nothing like Stalin's relocation campaign against the Chechens, but nevertheless substantial), as "…5,500 reached Seville; 6,000, Toledo; 12,000 Cordoba; 21000, Albacete [Al Baasit], (Harvey, Muslims in Spain 1500-1614, 234)." However, the Spanish still hadn't managed to scatter the Muslims within their new cities into Christian majority areas. According to research by Spanish researchers, the Muslim were marched upto 27 km a day every day to reach their destinations which is an enormous amount for the elderly, women and children to walk, (i.e. if Muslims from Runda went to Al Baasit, the total trip is approximately 384 km, meaning at the pace prescribed they would have to walk for 2 weeks at that sustained pace!). It must also be kept in mind that the relocations were done during winter and as a result many suffered from exhausting and contracted Typhus, (ibid, 236). A Spanish report from the time reports, "…there are many sick people, and many are dying of so much snow and cold, which have been excessive, (ibid)." However the Muslims of Castile did take care of their Muslims brothers and sisters as is the case of "…one man who took four or five sick people into his home, (ibid)." However the Catholic Church so this charity on the part of Muslims in Castile not as charity but as they declared:

> "We understand they have welcomed them so as to learn Arabic better from them, (ibid)."

SubhanAllah! Look at these vicious Christian monsters! Even after relocating these Muslims, taking their houses, killing their families and stealing their honor they are not satisfied! They were now have doubts cast upon them for being teachers of Arabic to their Castilian brothers! It is like those western Muslims who come to study Islam in Egypt or Pakistan nowadays and when they return back to the west, only to have doubts and suspicion cast upon them due to the fact they were learning Islam and Arabic, (it really doesn't matter if you went to a *sufi* madrassa or a 'wahaabi' one, to the Christians its all the same)! As these Muslims arrived, they found their Castilian brothers paying the *situado*, a heavy tax paid to the Inquisition authorities by the Muslims so the Inqusition would not prosecute their community, nor seize their properties. However this wouldn't stop the inquisition's seizure of people for questioning. What of those Muslim that collaborated with the Spanish during the campaign? They were given safe passage and were not ordered to leave Garnata. One such traitor was Alonso Del Castillo who was employed by the Spanish as a translator for the armed forces to translate intercepted messages in Arabic and Aljamiado, (Al Ajamiyya), between the Muslims. In fact, he was the translator during the Al Bushra that translated all the letters caught between the Muslims of Al Bushra and Algiers. He was also "…forging false documents and false prophecies to serve as black propaganda and sow confusion on the Muslim side, (ibid, 276)." In other words, he was a specialist at propaganda and Psyops, (psychological operations).

As for hope of any forecoming help from the Uthmani was annihilated when the Uthmani fleet, having captured Cyprus on August 1st 1571 after an arduous year long siege, lost the Battle of Lepanto in October 1571. The coalition of ships from the Holy league[228] were led by the Spanish fleet contingent, bearing the brunt of the ships and assuming command of all other ships. The Spanish commander was none other than Don John of Austria. Although, the Uthmani forces lost, it was not a crushing victory, as western historians contend. In addition, the Spaniards after 1571 were constantly engaged in fighting their fellow European powers, and thus any momentum or advantage gained from this victory was nullified by the extreme expenditure in lives and treasure during these inter-European wars from 1571-1648, (upto the Peace of Westphalia). However, it was a moral victory for the Spanish and Christendom, tasting their first major victory over the Uthmanis. Mentally, it affected the Uthmanis as well, as they did not venture further out west with their main navy, relying on their governor in Algiers to send contingents of *ghazis* to mount hit and run raids of ships and onshore. They took hostages and *ghaneema* and harassed Christian shipping continuously, with sightings of the fleet at times in Ireland, Iceland and even North America! As for Venice which had lost Cyprus to the Uthmanis and understood it stood no chance of regaining it, agreed on a peace treaty between it and the Uthmanis on March 7th 1573, agreeing to recognize Uthmani rule over Cyprus and paying an indemnity of 300,000 Ducats to the Uthmanis for the cost of the war.

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In the Philipines the Spanish, having subdued the north, now started moving southwards to finally taking on the Muslim strongholds on the Sultanate of Sulu, the Sultanate of Maguindanao and Sultanate of Brunei. Fortuitously for the Spanish, there was a battle for succession that was raging in the Sultanate of Brunei. Sultan Sirela had been removed from power in Brunei and came to the Spanish, the local and defecto regional power at the time, to reinstante him. The Spanish obliged, as it gave them an excuse to intervene, weaken Brunei and perhaps even conquer it.

In 1578, the new governor general of the Phlipines, Francisco de Sande, commissioned, a fleet of forty ships, with several hundred Spanish soldiers and 1,500 Visayan/Philipino auxiliaries. de Sande set out for Borneo [Sultanate of Brunei]. The expedition was a success in that the Spaniards defeated the forces which came against them. The city of Brunei was captured by the Spanish and burned. However, the Muslims of the Sultanate of Brunei retaliated by placing a naval bloackade around Spanish vessels, blockading them from supplies and leading to their starvation and sickness. Eventually the Spanish had to withdraw and admit their defeat in this engagement. However, "…No conversion of the Mohammedans [Muslims] resulted, and the Moro [Muslim] as a payer of tribute [*jizya* to the Spanish] still remianed a vague and pleasant possibility, (Hurley 1936)."

Drunk from this victory, De Sande sent troops under Captain Adelantado Esteban Rodriguez de Figueroa to Jolo, the capital of the Sultanate of Sulu, to capture and/or destroy it. Captain Figueroa was successful as many of the men had been away from the town at the time. In retaliation, the Muslims mounted intense retaliatory raids and sent men to the coasts of Luzon and the Visayas, (where the Spanish were near Manila). It would seem that the Spanish soldiers, most of them veterans of the fighting agains the Aztecs and Incans, thought the Muslims of the Philipines would be like the rest of their conquest. Many of them would have heard stories from their parents about the

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[228] The Holy League of 1571 was arranged by Pope Pius V and included almost all the major Catholic maritime states in the Mediterranean. It was intended to break Uthmani control of the eastern Mediterranean Sea and was formally concluded on 25 May 1571. Its members were the Papal States, the Habsburg states of Spain, Naples and Sicily, the Republic of Venice, the Republic of Genoa, the Grand Duchy of Tuscany, the Duchies of Savoy, Parma and Urbino and the Knights of Malta.

fall of Garnata and the ease with which they destroyed the Muslim armies, and supposed that these Muslims would also be defeated. As Victor Hurley said in ‘Swish of the Kris:’

> “The Moros [Muslims] of Mindanao, singularly unappreciative of Spanish valor, proved to be of sterner breed than the Aztecs, (ibid).”

From 1579 to 1595, during the reign of the Sultan of Sulu, Muhammad Al Haleem Pangiram, Captain Figuero was given commands to impose the following upon the Muslims of that area by Governor De Sande:

- “The first is that they shall cease to be pirates, enslaving whenever they can.
- You shall order that there not be not among them any more preachers of the sect of Mohammed [*Da’ees*/callers to Islam] since it is evil and that of the Christian alone is good.
- And because, for a short time since, the Lord of Mindanao has been deceived by the preachers of Burney [Brunei], and the people have become Moros [Muslims], you shall tell them that our object is that they shall be converted to Christianity, and that he must grant a safe place where the law of Christianity be preached and natives may hear the preaching and be converted without risk or harm from the chiefs.
- And you shall try to ascertain who are the preachers of the sect of Mohammed [Islam] and to seize and bring them before me.
- And you shall burn or tear down the house [*masjid*] where the evil doctrine [Islam] is preached.
- And you shall order that it not be rebuilt. (ibid)

Figueroa fought the Muslims both in Mindanao and Sulu, killing many and destroying many *Masajid* as well. The Muslims rebuilt these *masajid* and both the Sultantes of Sulu and Maguindanao allied to fight the Spanish *kuffaar*. The Muslims first retaliated with naval *ghazawaat*, like that of Khayr Al Deen and the Uthmanis, agains the Spanish fleet and other trading vessels in Spanish ports. The Muslim obtained much *ghaneema* and killed many of those living in the Spanish cities. In 1579, Captain De Ribera leads an incursion into Mindanao and is ambushed during the incursion. During the operations. Captain De Ribera is reported to have said:

> “What manner of men are these Moslems?" cries De Ribera, "who fear not the hail of the arquebus?(ibid).”

In a funny way im sure that’s what US Central Command is wondering when Muslims from Algeria to the Philipines don’t fear their satellites, drones and sophisticated weaponry and are more than willing to fight and die, than to cower in fear for the remainder of their lives.

However, the question is usually asked: “who were these *mujahids*? Were they really *mujahideen*? The Spanish had a word for what these men used to carry out: ‘Juramentado,’ which in Spanish means ‘oath.’ Actually if we were to look at it in the Islamic context, they would be the equivalent of *Istishhadee*/*Fidayee* raids that have been perfected by the mujahideen today in Kashmir, Afghanistan and elsewhere. As one author describes it:

> "Originally, the practice was conducted by a band of men determined to sacrifice their lives in accomplishing the death of Christians. In the later years of the Spanish conquest, single individuals howled through the streets of Jolo, leaving death in their wake, (Hurley)."

In fact the same author continues and describes what is said about 'suicide' bombing today:

> "Waging a holy war [*jihad*] became an individual matter in Sulu and Mindanao. A Moro who had become overzealous in religious matters decided to commit, not suicide, which was forbidden, but rather an act of constructive self-destruction, to terminate his unwillingness to live. To accomplish this act and to slay as many Christians as possible, paved the way for great renown in the other world, (ibid)."

One day of their mission the *mujahideen* would be given exhorting speeches by the Imam of the area. As a custom, the mujahid youth then met with their parents for the last time, where they would allow them to sacrifice themselves *fee sabilAllah*. Finally the Sultan would then group the squads that would be sent out for their mission. Before they left they swore solemly over the Quran

"Jumanji kami hatunan ing kami ini magsabil karna sing tuhan."

In the dialect of Mindanao, these mujahids were known as *mag-sabils*, (*mujahideen fee sabilallah*), and the word used for jihad was *Parang Sabeel*, ('Parang' means war and 'Sabeel' ofcourse here refers to '*fee sabillAllah*,' and therefore it translates as *Jihad fee SabilAllah*). The method of their attack is described as follows:

> "The method of attack of the *juramentado* was to approach the largest group of Christians possible and shout to them from a distance the Arabic phrase, "La ilaha il-la'l-lahu" - There is no God but Allah. The kris or barong was then unsheathed and a rush was made, each *juramentado* hoping to kill at least one Christian before he found a martyr's death, (ibid)."

In fact, these *Istishhadiyoon*, were "…practically non-stoppable. Even when riddled with bullets he remained on his feet to kill the enemy, (ibid)." In fact this is the reason why the US army, when dealing with these Seekers of Death, (during their occupation of the Philipines), had to create the Colt 45 to stop them, as the smaller caliber .38 was not managing to stop the *mujahideen*. A French doctor described one of their attacks during the Spanish occupation, where eleven *Istishhadiyoon* infiltrated into a city:

> "Divided into three bands, they crept into town, pursuing a frenzied course. Hearing the cry of "*Los Juramentado*s", the soldiers seized arms. The *juramentados* [*Istishhadiyoon*] rushed upon them fearlessly with krises. One of them struck in the breast by a bullet, rose and flung himself upon the troops. Transfixed by a bayonet, he remained erect, trying to reach his enemy who held him impaled. Another soldier ran up and blew out his brains before he dropped. When the last *juramentado* had fallen and the corpses were picked up from the street, it was found that fifteen Spaniards had been hacked to pieces and many wounded. And what wounds! The head of one Spaniard was cut off as clean as if with a razor and another was cut almost in two, (ibid)."

May Allah once again revive the honorable *mujahideen* of the Philipines, Indonesia, Malaysia and Thailand, and aid them in fighting the *kuffaar* and their servants.

Uthmani naval operations continued till 1589 against the Portugese in the Indian Ocean along the crucial East African coast and its ports, (i.e. off the coast of modern day Kenya and Somalia). The death knell came in 1580 when, after secret negotiations between the Spanish and the Uthmanis, a truce was enacted between the two powers. The Spanish interest in the truce was manifold, in that they did not desire to continue the costly and destructive battle against the Uthmanis while they were unifying Spain with Portugal. In addition, they, (and the Uthmanis), realized that the Safavids were again menacing the borders of the Uthmani empire, while internal unrest in Anatolia, (the heart of the *khilafa*), was rising as well.

During April 1581, King Phillip II was in Lisbon, (Portugal had by now become a part of Spain), to consider the options at hand to deal with the Muslims, (by this I mean Morisco's, or those forced to convert to Christianity, ofcourse as overt Muslims no longer existed in the kingdom), in his kingdom, and many proposals were mulled over. One of them was by "…a junta of his chief counselors…concluded to send the Moriscoes [Muslims] to sea and to scuttle the vessels, reserving only those who could be catechized[229] and those who desired to stay, for it was not deemed wise to add to the numerous population of of Africa, (Lea, The Moriscoes of Spain. 296)." On July 30, 1587, another alternative proposal to the king was being mulled over. The Bishop of Segorbe wrote to the king as follows:

> "It is no valid objection to say that if [the Moriscos] go to Barbary they will join up with the Muslims there, and descend on Spain, because in any case there are more than enough people [to do that] in North Africa already. They do not refrain from attacking for lack of numbers, but because, as is well known, they are in fear of Your Majesty's forces"

So therefore he proposes an alternative to the King:

> "These people might be transported to the Coast of the Cod and Newfoundland . These are very broad lands and are quite uninhabited. They will die out there completely, especially if the adult and young males are castrated and the women [are sterilized]. One year the Valencians could be transported to one destination, the next the Aragonese to another, the next the Castilians to another, (Harvey, Muslims in Spain: 1500-1614, 296)."

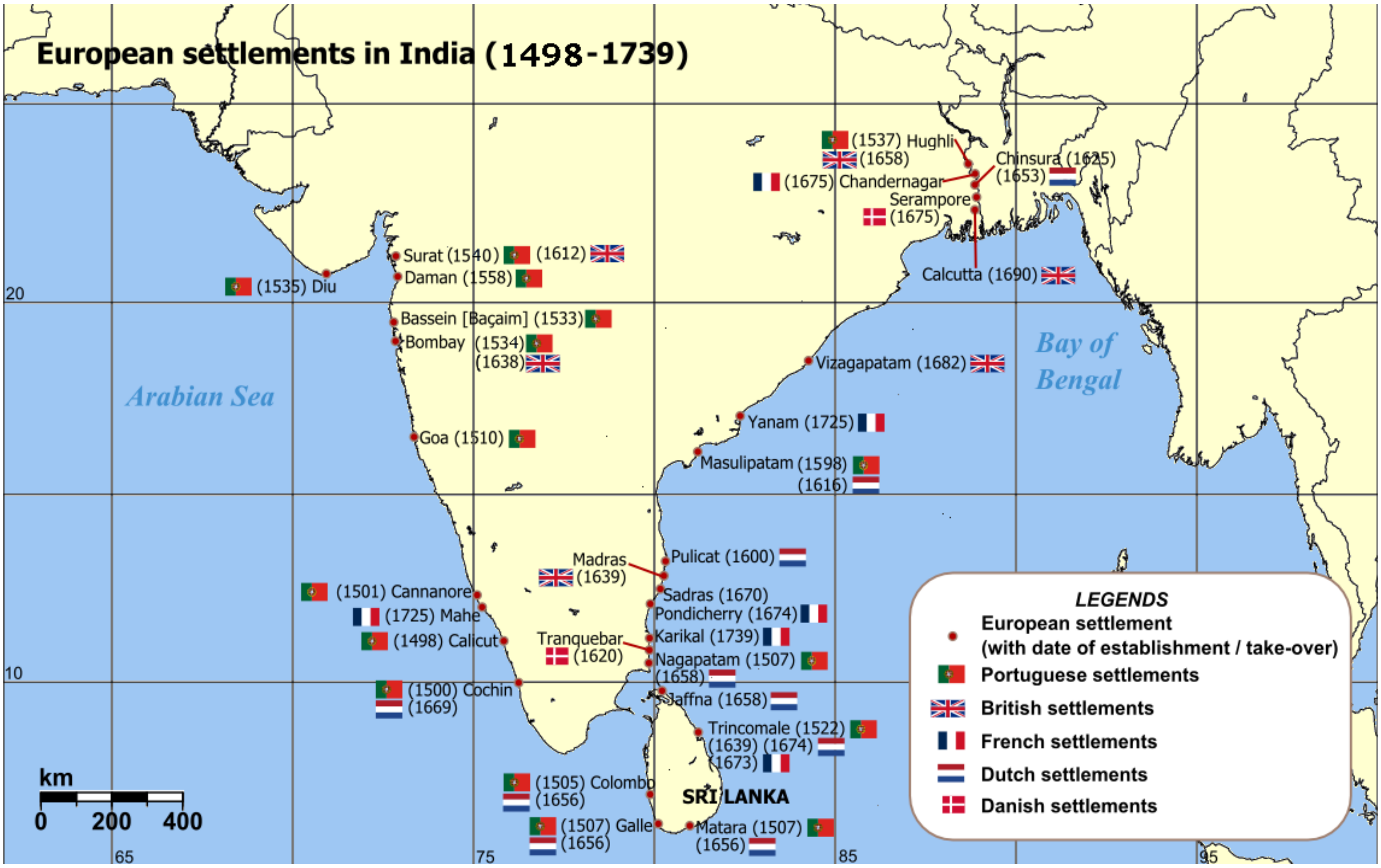
The Bishop envisioned placing Muslims in the new Spanish territories in the Americas. This makes one wonder, even though this proposal was not taken up as policy, that perhaps some governors of certain districts went through with this idea, leading credence to the idea of Muslim inhabitation of America at least by the 17th century, (if not earlier). Philip II mulled these eyes over, but never reached a final decision as he died in 1598. The one thing that made Philip II and his son and successor, Philip III hesitate from taking immediate action against the Muslims of Spain, (and specifically those of Garnata), was that the Muslims were seen as both the agricultural backbone of Spain, (as their productivity was much higher than the Christians usually because of better skill sets they possessed), and because they contributed enormous sums of money to state in taxes and bribe money to the inquisitional authorities. If Spain expelled them, they would lose a large amount of wealth and agricultural productivity, (which in turn would result in lower profits for the lords of the areas wheres Muslims worked). Toward the end of the 16th Century CE, Valencia remained as the last outpost of significant Muslim populations and resistance. The irony is that the kingdom of Valencia had been the home of the *Mudajaneen* for the last few centuries. These were the sons of the

[229] To be taught Christianity literally, but in this case mean additionally that the Moriscos in question were willing participants.

same lowly people, (not all ofcourse, I only speak of those that willingly chose to stay when they had the ability and/or means to leave), who were loyal servants to the Spanish kingdom and throughout the 1590's were resisting the Spanish. They resisted by arms and by trying to exploit Spain's Foreign policy vulnerabilities by trying to bring in Spain's enemies, (France and England), to fight against the Spanish so that they could be freed from Spanish control. However, even this resistance fizzled with the execution of their leader Alami and his men in 1605.

Elsewhere in Europe, seeing the success obtained by the Spanish and Portugese armies and those merchants that were under their aegis in the New World, (The Americas), and the East Indies, (South East Asia), merchants from England decided to pool together their efforts and capital and obtained a Royal Charter from the Queen of England to form the East India company in 1600. They spent time operating in the Indian Ocean both near the Philipines, Molukas islands and India, turing increasingly towards India by the end of the 17th century. The company would evolve from simply a trading company, to a private military force that was operating as a mercenary to attain British foreign policy objectives, while cutting a healthy profit for themselves simultaneously. Other countries would follow suit in this, such as the infamous Dutch East India Company[230] in 1602. Denmark and Sweden both created their East India companies in 1616 and France created theirs in 1664. The 1600's should be seen as the beginning of the transition from countries deploying their armies to conquer a land, to allowing militarized merchants to go to the countries of their interest and give them power to negotiate on the states behalf and even wage war on their behalf. I would term this militant capitalism and their practicioners, militant capitalist mercenaries. This concept is the 'younger brother' of what, has and, is occurring in the Muslim world today with Multi National Corporations coming into Muslims lands, using their wealth to achieve not only healthy profit margins, but also the foreign policy objectives of their govenrments in the Muslim world, all under the guise of 'globalization,' and economic 'liberalization.'

[230] The charter of the company empowered it to build forts, maintain armies, and conclude treaties with Asian rulers. It provided for a venture that would continue for 21 years, with a financial accounting only at the end of each decade. Clearly, these were not mere 'companies' as we are accustomed to thinking, but rather militant capitalist mercenaries, more akin to Blackwater than Apple Computers.



In the Philipines, seeing the powerful Muslim response, Captain Figueroa decided to end Spanish humiliation by leading a new campaign right into the heart of Mindanao. You can tell the Spanish were delusional to think they could subdue, with a few hundred men, almost 38,000 square miles of jungle against an opponent that knows the land better than the Spanish. It almost sounds like America's war in Afghanistan, or more generally, its 'War on Terror.' In May of 1596, Figueroa arrived in Cotabato in dense jungle into the area of the local Muslim tribal leader, Silongan. Prior to beginning his reconnaissance for the ambush, Figueroa tells his men:

> "Soldiers of Felipe [King Philip II], we stand upon the newest soil of Spain. To subdue this dark forest and rid the soil of the infidel Moslem is our aim. They shall submit as vassals and converts or fall before the Spanish blades. Forward to our duty for King and country, (Hurley 1936)."

Before any major preparations, the hunter became the hunted and Figueroa was ambushed through the jungles and almost cut in half by the younger brother of Silongan. He died on the beaches of Mindanao, perhaps coming to the realization that not all Muslims can be beaten all of the time. Spanish forces cut a hasty retreat and rethought their strategy upon Mindanao and the Muslims. The attacks of the Philipino *mujahideen* continued on sea and land against the Spanish and their supporters, leaving pools of Spanish blood in their wake. These attacks kept the Spanish bay for the most part of almost fifty years, and out of the Muslim stronghold of Mindanao.

On January 2nd 1602, a council was called by Philip III to discuss the 'Muslim problem,' and once again various recommendations were floated about ranging from the barbaric, (killing all the Muslims in Hitleresque fashion), to the sensible, (sending the Muslims to the *Maghrib*). Phillip III finally decide upon carrying out the expulsion in the summer of 1602 as he said, "lets this be done and with all possible haste, (ibid, 304)." Apparently, the 'with all possible haste' part of the statement wasn't understood by the King's advisors as the summer of 1602 came and went. At around the same time, a Muslim living an Arghun, Abdul Karim Juan Del Rincon, wrote a book in Spanish called "*Guia de la Salvacion*," ('guide to salvation/heaven). Naturally by this time the knowledge and understanding of Arabic remained with a select few while most people had either completely forgotten it and were using Spanish or were writing Spanish in Arabic script, (Al A'jamiyya). He wrote to his fellow Muslims of Andalus about the state of affairs of the Muslims:

> "Allah having been pleased to permit that the Muslims of this country should be afflicted and oppressed with so many persecutions, allowed in his infinite wisdom that the affairs of our religion should be bought to such extremity, that it is not practiced either in public nor in private. Prayer is laid aside and forgotton, and the few who still perform it do it secretly, and consequently with fear, and without the necessary devotion: the fast is not observed, or if so, far from the manner in which it ought to be; the accustomary alms abolished; the annual festivals and their tithes sunk in oblivion; the invocation of Allah and His beloved Messenger never heard; or, if they invoke them, they do not call them by their proper names in our language. All this is owing, first of all, to the circumstances which places the Muslims for so many years far from any spiritual advice; and secondly, to the tyranny of the Christians, who have caused them be all forcefully baptized through fear and terror. Their books are all lost, and scarcely any rememberance remains of them; doctors of the law are now more, some are dead, others lie in prison; the inquisition displays against us its utmost fury and oppression...; the newly baptized Muslims are everywhere seized and punished with gallies, rack and fire, and other chastisements best known to Allah, the master of all secrets. These intolerable torments and other calamities we haved endured till the present day, for a space of seventy six years, with greater fury and vigour than at the first beginning. Now, I ask you what knowledge can we have of the *deen* and its dogmas, how can we serve Allah, if we are continually disturbed and perplexed? And therefore how can it be wondered that some of the holy mysteries of our *deen* and its Dogmas have become strange and inhabitual to us, especially when we consider that we are surrounder by many invenerate and implacable enemies, among which is the world, that, with its temptations and snares, is continually inciting us to forget our supreme welfare, and barring the way to salvation [*jannah*/heaven]? Some people among us do not know what prayer is, nor by whom it was instituted; if you ask them when out lord [*mawlana*] and Prophet, Muhammad [SAWS], was born, they will not answer you; and if you happen to mention in their presence Makka, that mother of cities [*Umm Al Qura*] and cradle of our *deen*, they will stare in your face, and shrug up their shoulders. Therefore I, who profess to be a good Muslim, although the number and depth of my sins Allah knows, have undertaken the meritorious taks of writing this Guide to Salvation, and have composed it in Spanish; May Allah forgive me for using any other language that that in which the sublime Quran was revealed, (Wiegers, 210-211)."

This is clear proof that the extended time under Christian rule and oppression led to the almost complete eradication of Islam from Andalus, so much so, that this author had to write in Spanish rather than Arabic. Imagine that! An Arab that cant speak, write or understand Arabic! It's the equivalent of us today who are born in the west or live awkward lives as westernized citizens living in the Muslim world. We are neither here, nor there. We neither understand Arabic, the

language of the Quran and of Islam and sometimes we don't even understand the language of the places we live in, (such as the phenomenon of Anglicized/Americanized Pakistanis in Pakistan who cant speak Urdu)! Thus neither do we comprehend our deen and neither can we give dawah in our lands. All we know is the language of the *kuffaar*, which we had to learn, (nowadays we want to learn it over learning Arabic), in the English based education systems of the world, (or French based systems in Algeria and Morocco). *Wallaahi*! There are people who are students of Islamic sciences in certain places of the world that are studying to aid this *deen* who don't understand the importance of knowing the Arabic language and run after learning English under contrived pretenses. However, this is not to say one should not learn English or European languages in general, and neither am I saying that speakin English or European, (or non Muslim), languages makes you a kaafir, but rather it should not done at the expense of learning Arabic. Learning the Arabic language is to be pursued with the utmost zeal in comparison to any other language as it sets the foundation of your *deen*. Without it, you are helpless and wander in the dark with translations that might or might not be reliable. Another thing that is striking about the above passage is that when Abdul Karim says:

> "And therefore how can it be wondered that some of the holy mysteries of our *deen* and its Dogmas have become strange and inhabitual to us, especially when we consider that we are surrounder by many invenerate and implacable enemies, among which is the world, that, with its temptations and snares, is continually inciting us to forget our supreme welfare, and barring the way to salvation [*jannah*/heaven]? Some people among us do not know what prayer is, nor by whom it was instituted; if you ask them when out lord [*mawlana*] and Prophet, Muhammad [SAWS], was born, they will not answer you; and if you happen to mention in their presence Makka, that mother of cities [*Umm Al Qura*] and cradle of our *deen*, they will stare in your face, and shrug up their shoulders.

This is nothing less than a photocopy of our times. If you asked the same of our youth and elders, they wouldn't know either! Abdul Karim was correct in saying that in the presence of the hateful Christians, (i.e. the *kuffaar*) and their society provides not only temptations but also incitement to forget Islam. This is a warning to all Muslim communities living in *dar al kufr*, as you may cite a litany of criticisms of dar al Islam, (with some of them even being true), but the adhan is still hear, the salat in established in jama'a, the Qura'n is not deemed a 'terrorist' text that needs to be changed and one can arguably practice and preserve their *deen* better in *dar al islam*.[231] To rectify these doubtful situations, for one that has the means, leaving the home for jihad *fee sabeelAllah* is an obligation, as it is *fard ayn* (individual obligation) today. This is the only way we will achieve freedom to not just practice Islam but to spread the Message far and wide across Allah's lands.

In Spain, a plot was uncovered in 1608 by the Spanish where the Valencian Muslims had sent envoys to Muley Zaydan[232] in Morocco to ask for men and arms to fight the Spanish. In turn, this conspiracy not only involved Muslims, but also Spains other enemy, the Dutch. A memorandum was drafted by one of King Philip III's advisors on the matter:

> "His majesty has received reports that the 50 Moriscos [Muslims] who crossed over to Barbary [*Maghrib*] went to Marrakesh and asked Muley Zaydan forcefully why he was

[231] by this I mean countries with Muslim majorities under Muslim rulers. Obviously that doesn't mean the ruler is applying the Law of Allah but neither are the *kuffaar*. This definition does not include countries such as Egypt, Algeria or Morocco since they are militant secularists and are in some cases worse than *kafir* countries in their treatment of Muslims and Islam

[232] Mawlay Zidan Abu Maali, sultan of Morocco of the Saadi Dynasty (reigning from 1603–1627), son of Ahmad al-Mansur.

> expending his strength making war on his brothers when he had the chance to regain Spain, which had been conquered in former times with the ease that is well known…As for arms, they are in the hands of the Moriscos [Muslims], who have managed to procure them in secret. They will find him 200,000 men just as formidable as he is ready to lay down their lives and their property…merely by landing 20,000 men, any port could be seized. Inland there would be no resistance, especially if use were made of the Rebels [the Dutch] and other peoples of the north who are the king's enemies…He [Muley Zaydan] is said to have spoken to some Hollanders who were there and had explained his intentions to them, and asked whether with their ships they would assist him to cross with 20,000-22,000 men if he paid them well to do so. The Dutch had replied that they would not just help, they would establish a bridge of ships over which he could pass in complete safety…What is to be feared is the multitude of Moriscos [Muslims] stubborn in their adherence to their beliefs [*deen*]. He [King Philip III] has also taken into account that the Turk [Uthmani *khalifa*], according to the latest reports, is disengaging himself from his conflicts with those in rebellion against him, and with the Persians…(Janer, 274-277)."

The Memo continues to highlight that other than Spains Muslim enemies, even their Italian allies were now apparently also discontented. The Memo goes on to recommend a course of action:

> "…He [King Philip III] is resolved [i.e. urged] to finish off these evil people [i.e. Muslims] by whatever means seem best and most speedy, and he will not shrink from slitting their throats [i.e. killing them all]. For as those who have been engaged in the conversion have discovered, it is not just that nothing has been achieved, but that every time some effort has been made, their [Muslims] stubbornness and ill will has only increased, without a single one of them ever being converted, in spite of all hopes. The patriarch Archbishop of Valencia is quite in despair, [as are] all the others who over the years have striven so hard. The process has been so long drawn out that it is now quite out of the question to leave the security of the realm dependent on it, for on the security of this realm depends [that of] the rest of Christendom, (ibid, 277)."

The interesting point made in the memo is that geopolitically, the Muley Zaydan was now free to fight Spain, the Uthmanis were now, after the completion of their campaigns elsewhere were disengaging from fighting the Safawiyya and due to the constant wars, Spanish allies were exhausted as well. By this analysis, it would seem that Spain was certainly in a precarious situation, and one that would be exacerbated to the point of disaster if the Muslims of Spain were to remain in Spain to serve as a sort of 'fifth column' to aid and fight alongside any foreign invasion force. Additionally, the memo bears testimony to the fact that the Muslims of Andalus, even after more than 100 years, held onto Islam in spite of torture, the inquisiton and the series of oppressive laws that were enacted in the interim.

On April 9, 1609 Spain concluded with the Dutch, (one of their many enemies), a truce agreement, ("The Twelve Year Truce"), and on that same day, a decree was announced to finally begin the expulsion of the Muslims from Spain. The strategy was to expel all the Muslims from coastal kingdoms, (such as Valencia), using covertly position troops, so as to assure that the Muslims are not able to call in aid from abroad, (due to the speed of the operation and the element of surprise), to launch a counterattack to stop the expulsion, (you must remember that in the naval age, control of the sea was the equivalent of controlling the skys today). They would then proceed to further expel the inland Muslims subsequently, (such as those in Castil).



The Expulsions Begin in Valencia:

On August 4th, 1609 the expulsion process in Valencia began. The clauses of the expulsion order were as follows, (Paraphrased by Prof. L.P. Harvey):

"

1. Firstly all the Morsicos [Muslims] of this Kingdom, men and women with their children, should within three days from the publication of this proclamation in the places where they live, leave their houses and embark wherever the Commisar orders them to do. They might take with them"such goods and chattels as they can carry" and embark on the ships prepared to take them across to North Africa, where they would be landed "without suffering either in their own persons or in what they are carrying with

them, any ill treatment or harm by word or by deed." They are told they will have provisions supplied on the voyage, and are advised themselves to bring what they can with them. Disobedience to the proclamation is to be punished by death.

2. Any Morisco [Muslim] found away from home and unsupervised in the period from three days after the proclamation until the embarkation had started might be arrested and be stripped of all the possessions and anybody (presumably any Christian) who performed this act of confiscation would incur no penalties at all. If the Morisco [Muslim] offered resistance, he could be killed.
3. All Moriscos [Muslims] were to wait where they were until the commissar came to collect them (and were threatened with similar treatment if they failed to do so).
4. If there were any attempts to hide or bury property or to burn houses, crops or other property, all the inhabitants of the village in question became subject to the death penalty.
5. In six houses out of every hundred the Morsico [Muslim] inhabitants were to remain behind to show those who took over the properties how to work, among other things, the sugar mills and irrigations systems. These were to be chosen from among the most likely to convert…[233]
6. No old Christian, whether soldier or native of Valencia, might make so bold as to ill-treat the Moriscos by word or deed, nor touch their property, or their wives or children.
7. Nobody was to hide any of the Morisco's [Muslims] or to help them escape. The penalty for this was six years in the galleys
8. To reassure the Moriscos [Muslims] that they would not be molested, ten of the first group to arrive in North Africa [*Maghrib*] were to be allowed to return to reassure their fellows that they would be well treated (and so on with future transports)…
9. Children of four and below who wanted to stay (how their wishes were to be ascertained is not stated) might with their parents agreement remain and not be expelled. We can see here and in the next clause that this issue of 'innocent children' continued to be fudged…
10. Children of six and below with single old Christian might remain, and the mother as well, even though she was a Morsico [Muslim] Woman. But if the father were a Morisco [Muslim] and his wife were an old Christian, he should be expelled, and children under six should remain behind with the mother.
11. Those who for a considerable period, as might be two years, had lived among Christians and had not attended Morisco [Muslim] meetinghouses [*Jama'a*[234]'s as the Spanish word used is *aljamas*], might remain
12. Those who with license of their Bishop received the holy sacrament (from the rectors of the places where they reside) might remain
13. His Majesty grants and agrees that if any of the said Moriscos [Muslims] should wish to leave for other kingdoms, they may do so, so long as they depart from their place of residence within the time limit laid down, and do not enter any part of the Spanish realms.

It is the firm will of His Majesty that the penalties of this should be enforced without allowing any remission.

To be proclaimed in the accustomed form, Valencia September 22, 1609, (ibid, 310-311)."

[233] In practice, this clause was not applied as all Muslims and *murtads* were told to leave

[234] In the Muslim era, The *Jama'a* used to be the name given to *masajid* but was now adapted to mean Muslim meetinghouses, (which would make sense since the Arabic verb *Jama'a* means to gather [together])

A few comments are necessary for this proclamation:

- Firstly, how could Muslims gather their possessions and essentially, uproot their lives within three days? Moreover, what did the Spanish government realistically expect of them and what were their intentions? It was clear they really didn't care how it occurred. Since as they state clearly, those in violation of the proclamation would be killed. Either way, for the Spanish the situation was a win-win scenario, in that, they either killed them or expelled them.
- If, pray tell, you didn't make it to the harbor within three days, you property would be taken from you. If you resisted, you would be killed. If you tried to hide your property and safeguard, all the people of your village would be killed. Thus, we say the barbarity of the Spanish.
- For good measure, the Spanish added Clause 6, but it never really applied. Countless Muslim familes were murdered, harassed and robbed by Spanish troops.
- If by chance, (as per Clause 7), a Christian helped you make the impossible three day deadline, possible, then the old Christian would be punished.
- As per clause(s) 9 and 10, Children were to be separated from their Muslims parents and Muslim fathers from their wives and children, (the fathers would be expelled).
- Clause 13 is a repetition of the famous legal fib told by the Spanish sovereigns since the time of King Ferdinand. King Philip III, failed to mention that after these Muslims gleefully moved to, say, Castile after the expulsion of Muslims from Valencia, he would then move to expel Muslims from Castil. However, if Muslims were so ridiculously stupid to not see the consistent pattern of lies of the Spanish, then the fault is their own for trusting the word of the Christians primarily, and secondly, trusting the word of the Spanish King. It was, as they say, as if a rat was being cornered by a cat.

Around 5300 Muslims departed from Valencia on September 30, arriving in Wahran [Oran] on October 5th, (ibid, 312). They initially were offered free passage aboard the Kings ships[235], but the Muslims rightfully distrustful of the Spanish Christians, chose to charter their own private ships, and paid 75 *Reales* for all over 12 years old, and 35 *Reales* for all children below 12 years old. As for the journey towards the ports, murder and robbery was common upon the Andalusi emigrants. In fact, Alfonse de Fonseca, the Archbishop of Toledo at the time said that on his way from Valencia to San Mateo, (one of the embarkation points), "...he saw the roads full of dead Moriscos, (Lea, '2001,' 329)."

One wonders if these Muslims, most of them the sons and daughters of the *Mudajaneen*, regretted leaving their 'homeland'? In fact, quite a large number were happy that finally they were able to make *hijrah* into *Dar Al Islam* from *Dar Al Kufr*. In fact, it was recorded that a Faqih from Valencia at the main Valencia port of Alicante was asked why Muslims were complying with the king's orders, (when otherwise Muslims had always resisted)? The Faqih replied thus:

> "Do you not know how many of us bought or stole boats in which to cross to Barbary [the *Maghrib*] with much danger? Ten why, when we are offered safe and free passage, should we not avail ourselves of it, and go to the land of our ancestors under our king, the Turk [Uthmani], who will let us lives as Moors [Muslims] and not as slaves, as we have been treated by our masters? (ibid)."

[235] as after the first round of embarkations, our of a total of three rounds, the King began charging for transport aboard his ships, thus ending any pretense of charity and kindness on the part of the Spanish

On the other hand, some Valencians did revolt against the Spanish. To ascertain their intentions and motives for revolting a few factors have to be taken into consideration. Firstly, the knew too well the odds were stacked against them and therefore it can be seriously considered that they were revolting in order to defeat the Spanish and create an Islamic State in Valencia. Nay, more like than not, their reasons were to stay was that they felt an attachment to the land and felt that life in the Magrhib was rough. Their attachment to the land was so strong that they were willing to fight the Christians to stay under their rule of *kufr*! On the other hand, there were those that believed the odds would be evened and that due to obscure prophecies, people believed that the '*Fatimi*,' (or commonly known as the Mahdi), will come down into Spain and defeat the Spanish. Such was the state of the Muslims of Andalus that their only hope to save them was the Mahdi, (in addition to the fact that they have their facts wrong, and you would be hard pressed to come up with evidence to show that the Mahdi would appear in the *Maghrib* or Andalus from the *Sunnah*). The major centers of the resistance to the expulsion order were in in Val de Aguar, (near the coast), and Muela de Cortes, which was in the hills. By far, the larger of the two resistance movements was the one in Val de Aguar with an estimated 11,000-22,000 Muslims fighting until being forced to surrender, (ibid, 314). Eventually resistance was crushed and all its leaders were executed. By October 20th 1609, the number of Muslims expelled increased to 32,000[236] from Valencia, (ibid, 315). What is interesting to now understand is that, what happened to those that were disembarked into the Magrhib at Wahran?

For the Spanish to disembark the Muslims at Wahran was an easy task as it was under Spanish control at the time. The typical journey of a Muslim famly would begin with them being disembarked at Wahran while making their way on foot with their belongings into Muslim occupied territory. However, the Spanish, either knowingly or by chance, did not negotiate with the tribes that border Wahran for safe passage of these Spanish Muslims, nor reached an agreement regarding the corssing routes. As a result, when these Muslims marched into Tlemcen from Wahran, many of these Muslims were robbed by the tribes in the desert area bordering Wahran, probably mistaking them for Christians, (keep in mind, after more than hundred years under Christian rule and spending most of that time living overtly as Christians and covertly as Muslims, meant that the mannerisms, clothes, habits and sometimes, looks and anything on the exterior were heavily Christian influenced). As for the Maghrib, aside from the theoretical joy they should have been feeling to see their Muslims brethren finally free from the rule of the *kuffaar*, they were faced with a massive human flood of refugees which they would have felt would have put a massive load on the people of the maghrib and their economies, (how else would you feel if, without being consulted that one fine day, 120,000 people showed up on your countries doorsteps?). In the end, approximately 116,022 Muslims had been expelled successfully by December 1609 but this does not even scratch the surface of the total tally of expellees, (ibid, 316). Other historians put the number at more than 150,000 that left from Valencia while the Inquisitorial authorities of Valencia put the number at 100,656, (Lea, 'Moriscos of Spain,' 332).

Expulsions in Arghun,[237] Andalucia and Castile:

On May 29th 1610, the proclamation to expel all the Muslims of Arghun came into force, (albeit the declaration is dated April 17th 1610). Fortunately for the Muslims of Arghun, they had procured good relations with the French King, Henry IV, (who saw the Muslims as a useful ally to

[236] By December 1609, this number would more than triple.
[237] And Catalonia

keep their enemy, Spain, off balance and a way to project French power into Spain), which had resulted in ordinance issued by the king on Febuary 22nd 1610 allowed safe passage through France and onwards to wherever they wish but if they wanted to stay in France, they had to convert to Catholicism, (which presumably some did, since they had, for over two generations, grown used to pretending to be Christians and subterfuge in this regard). King Henry in his own words said:

> "His Majesty has every good intention toward them—of treating them with humanity, receiving them in his realms, where those willing to make a profession of the Roman Catholic Apostolic faith may reside in all security. Those others who do not wish to do so will be granted right of passing freely as far as his ports for the Levant so that they may thence arrange transport to Barbary [the *Maghrib*], or elsewhere, as they may wish, (Harvey, '2005,' 318)."

The French after initial hesitation, accepted the Muslims of Arghun but set a upper limit of 8,000-10,000 Muslims. Approximately 10,000 Muslims passed through Navarre into France only after paying a hefty entry tax, (10-12 *Reales* per head), to enter France, (ibid, 319). Approximately 40,000 were directed to Los Alfaques, an embarkation port, to board ships to leave. Muslims had now begun to realize the dangers of being disembarked in Wahran [Oran] and the sloppy arrangements the Spanish had made for their safe passage into Muslims territory. It is very likely the ship captains, ever the clever capitalists, would have charged the same amount to board their ships, but instead would have dropped their Muslims passengers, probably in the port city of Marseille in France from where they would be rerouted to Agde where other ships would take them to other locations such as Tunis, which seemed safer than Wahran at the time.

On January 5th 1610, it was Castile's turn, and Muslims were given the order to leave Spain. However this proclamation was different than the previous two. The Muslims of Castile were given a choice of 'Self expulsion,' wherein they would 'voluntarily' turn in a written request to the local administrators of their areas requesting to leave. This is merely a cosmetic legal ruse as the alternative to leaving Spain was death or perpetual slavery. Reproduced below is the proclamation given to the people of Castile by King Philip III:

> "*Whereas* for just and necessary reasons I have been moved out of consideration to the service of Allah and the safety for these realms of Spain to command that the Morisco New Christians [Muslim] resident in Valencia should leave and go away from these said realms of Spain for the reason set out in the proclamation which has been by order made there. Now, seeing that those of the said nation who inhabit the kingdoms of Old and New Castile, Extremadura, and La Mancha have become disquieted and shown signs that they may wish to depart and live outside these realms, and have begun to dispose of their property, selling it for far below what it is worth, and *whereas* it is not my intention that any should against his or her will live here, I therefore allow and give permission in virtue of these presents to all those who may wish to depart from these my kingdoms and realms of Spain, to live outside them wherever they desire, to do so without incurring any penalty within the space of thirty days counting from this [the date of this] proclamation. I grant that during this time they may dispose of their goods, chattels, and livestock but not their real estate, and they may take away the proceeds, not in coin, gold, silver, jewels, nor letters of exchange, but in the form of merchandise purchased from native inhabitants of these kingdoms, and from no others, and also in fruit, and produce from them. I nevertheless permit them to take such money as they will need for the journey they have to make. And in order that they may do all this in security, I hereby take and accept under my royal protection those who wish to leave this kingdom and

guarantee them and their goods, so that during this period they may go about and be safe, sell, exchange, and alienate all the above-mentioned goods, chattels, and livestock of theirs and make use of money, gold, silver and jewels in merchandise the export of which is prohibited by the laws and decrees of these realms, without suffering unjustly any harm during the said period...they may export the said merchandise after paying the normal customs dues...and I command all the officers of justice of my kingdoms, governors of my frontiers...that they see to it that the above is observed, and that they do nothing against it...under penalty of loss of office. And I command that this my cedula [proclamation] be proclaimed so that it may be known to all. Delivered in Madrid December 28, 1609

It is my will that those who wish to leave my realms should not pass through the province of Andalusia nor the kingdom of Granada, Murcia, Valencia nor Aragon, under penalty of death and confiscation of goods.

I, *The King*. (ibid 322-333)."

The important points that should be noted about this proclamation are:

- Instead of the rushed three day time limit given to the Valencians and Arghuni Muslims, the Muslims of Castile were given a month to arrange their affairs. The reasons for this are not clear but perhaps they realized the resistance caused by such a hasty expulsion in Castile, (where most of the Muslims of Garnata were), would cause massive armed resistance. They perhaps decided for that reason to use 'velvet gloves' with the Muslims of Castile.
- Muslims could not take with them their gold, silver, jewelry or money outside of Spain and thus were forced to spend it in Spain. This was a clever move by Philip III as it enriched the Spanish peoples at the expense of the Muslims, injecting massive amounts of gold and silver into the various local economies of Spain, while depriving these massive amounts to the Muslims lands these people immigrated to.
- Most importantly, the only route available to exit Spain was either northwards through France, (and onwards either to Istanbul or the *Maghrib*) or the westwards through Portugese ports, (which would take them towards the Magrhib, or perhaps the grueling trip towards Istanbul).

Many Castilian Muslims, like their brethren from Valencia and Arghun, went to France and, in fact, it turned out to be long term refugee center for Muslims waiting to relocate to Muslim lands, (such as Tunis). However, prior to leaving Spain and entering into France, Muslims had to surrender half of the wealth they possessed on the Spanish border! So if one were to calculate, they spent what they had on making arrangements for the journey out of Spain and foods and supplies along the way, and then the Spanish would really take whatever you had left, leaving you, the Muslim *muhajir*, with nothing, (ibid, 325)! Moreover the accounts of Muslims arriving in France, (mostly Marseille), being forced by farmers to pay whenever they drank from a river or sat in the shade of a tree, make one's blood boil at the heartlessness of the *kuffaar* (not only because of the past, but because they continue to do it today and we sit idly by and sometimes even aid them in their evil!), may Allah guide them and if not, consign them to His Eternal Wrath. Word began filtering back to the Uthmani *khalifa*, Ahmad I, who then sent his envoy to the French, Haji Ibrahim, to register a protest with the French on October 5th 1610, (Lea, '2001,' 361). The Muslims that survived the extortions, and were ready to board the ships, were starved so that they would agree to sell their "…children in exchange for a handful of figs or a little bread, (ibid, 324)." Morever, soldiers would capture for their own private

profit, "…large numbers of children and sold them both at home and abroad, for 8, 10, 12 and 15 ducats a piece, (ibid)."

Finally, on January 12-13th, 1610, the proclamation for the expulsion of the Muslims of the Spanish Provinice of Andalucia was produced, (Andalucia included in it Garnata, Almeria and Murcia). The irony of this edict was that since the the Muslims who were accused of being involved in or associated with the mujahideen during the Al Bushra *jihad* were relocated to Castile, this edit targeted those who had actually collaborated with the Spanish actively, were actual *murtads* or had, out of fear, not joined the *jihad*! Now their time had come and you can be sure there were many 'Muslims' that were shocked on that day due to their belief that their loyalty to the *kuffaar* had bought them security[238]!

Continuing on the same vein as mentioned above, there were some strange and ironic circumstances that resulted from these expulsion orders. One of these, were those who were genuinely *murtadd* and had converted to Christianity, and perhaps were priests and/or nuns. They too were ordered to leave Spain. However, Muslims that had in recent times come from the *magrhib*, (on their own will or as captives), and had converted to Christianity were exempted from expulsion, (ibid, 328). The other category was those who were slaves of Christian masters from the Spanish mainland and those that were caught in fighting in Wahran during the expulsion process. The latter is interesting as it can be assumed that some Muslims desperate to go back to Spain might have, out of desperation, fought with the Spanish for the purpose of getting caught. The slaves were ordered, in this case to be expelled and not allowed to return. In addition they would be kept in slavery, but not as normal slaves but as galley slaves who were kept chained, and as a result, not able to breed, thus ending the problem of slaves having children, (who, by law, would be freed), and the 'Muslim problem' of Spain would presumable begin once again. In fact, in 1612, there are indications that some of these so called Muslims had quietly and willingly returned to their home regions in Spain from *Dar Al Islam* with the help of their Christian neighbors, (from their Spanish home towns), (ibid, 330).

After numerous clean up operations, on Febuary 20, 1614, it was declared that the expulsion had been completed all over Spain, (save a few isolated cases of Muslims around Spain). Thus, after 903 years of Islam in the Iberian Peninsula, the end had finally come. Centuries of *jihad* and the spread of *tawheed* was followd by even more centuries of depravity, music, poetry, betrayal and excessive comfort. The *mujahideen* of Al Bushra should be remembered as an example to all of the *mujahideen* all over the world for all time as those who few in number, but mighty in their *iman* and were betrayed frequently, but never betrayed their covenant with Allah:

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[238] This should be a lesson to the 'Sons of Iraq' and the so called tribal '*lashkars*' that are being formed by the Americas to fight the *mujahideen* in Pakistan and Afghanistan. Once they are finished with you, they will discard you—like trash. Take heed from the example of the Hmong tribe of Laos, of whom, approximately 60,000 were recruited by the CIA as part of their efforts to shut down the Ho Chi Minh trails, (which supplied weapons, men and supplies to the communist Vietcong forces fighting the Americans). America conveniently discarded them to the mercy of the victorious communist forces and ever since 1975, they have been persecuted by Communist government of Laos. So you traitors to the *ummah*! Don't be under any illusions, the *mujahideen* will win this battle and the Americans will leave you. Do you really want to live hidden in jungles and mountains, disconnected from the world for years on end as the Hmong have and live a life of disgrace, humiliation and shame? Do you want that disgrace and shame to then blight your offspring and their offspring and so on, as well (in the case of the Hmong, they have suffered 33 years of humiliation which hasn't stopped yet, where they are still running like dogs from one jungle to the next)?! The Laotian government use the Hmong that have surrendered to them, to chase down those Hmong who are still on the run, so when America does eventually leave, what, Oh Enemies of Allah!, do you think we will do with you? The choice is entirely upon you…

﴿مِّنَ الْمُؤْمِنِينَ رِجَالٌ صَدَقُواْ مَا عَـــهَدُواْ اللَّهَ عَلَيْهِ فَمِنْهُمْ مَّن قَضَى نَحْبَهُ وَمِنْهُـم
مَّن يَنتَظِرُ وَمَا بَدَّلُواْ تَبْدِيلاً﴾

Among the believers are men who have been true to their covenant with Allah; of them some have fulfilled their Nahbah[239]*; and some of them are still waiting, but they have never changed in the least*.[240]

[239] Some of the scholars said *Nahbah* means "Met their appointed time (i.e., death)." Al Bukhari said, Nahbah means their covenant and refers back to the beginning of the Ayah." "They died true to their covenant and loyal, and some are still waiting to die in a similar manner, and some of them have never changed in the least." This was also the view of Qatadah and Ibn Zayd. Some of other scholars said that the word Nahbah means a vow.

[240] Surah Ahzab, verse 23

Chapter 5: Setting Down New Roots:Andalusi Muslims after the Expulsion

It would be inaccurate to say that the only large scale and concerted wave of Muslim emigrants to leave Spain for the *Magrhib* and elsewhere was from 1610-1614. These final expulsions should be put in the context of the other concerted immigrations of Muslims. The first of these were right after the fall of Garnata in 1492 as many people rushed to leave during the period between 1492-1502, (which is when enforced conversion, as a policy, was implemented). One of the notable émigrés from this period is Ibn Al Azraq, the former Qadi of Garnata, who had gone to the Mamlukes to ask for aid against the Christian occupiers of Garnata. In addition, there was the exodus of Muslims after the Germania revolts of 1521 in Arghun and ther forced conversions over there. We must not forget that intermittently, and continuously, from 1492 onwards, there was constant covert emigration from Spain to *Dar Al Islam* other than during the two above mentioned time periods. Furthermore, it has to be kept in mind that all of Andalus had been conquered by the Christians by 1252 CE, (except for Garnata), so it has to be safely assumed that, initially, there was a two prong flow of Muslims out of these conquered areas either into the Maghrib, (or elsewhere in *Dar Al Islam*), or into Garnata, (which was the last remaining Muslims stronghold left in Andalus) prior to 1252 and upto the 1400's. Two of the more prominent of these early emigrants was Imam Tartushi[241] and Imam Ibn Al Arabi[242], (a native of Seville/Ishbilliyah). The majority of the early flow of emigrants were initially flocking to Garnata, reluctant to leave Andalus, (the land of their fathers), but still unwilling to live as *mudajjan* under Christian rule. For Garnata, the economic and intellectual gains were enormous due the multifaceted skill sets of the new immigrants and, as a result, Garnata prospered from 1252 to the middle of the 15th century CE. As we entered into the 1400's, the Muslims that were in the conquered territories realized that time was running out on Garnata and decided instead to leave to the Magrhib or elsewhere n *Dar Al Islam*, (*Sham*, Egypt and elsewhere). As for the Muslims inside Garnata during this period, some of them decided to leave Garnata, seeing the imminent occurence of an invasion by the Christians, (who were now united and invigorated whereas Garnata was falling apart and lacked foreign assistance from the *Maghrib* in the form of the *mujahideen* of old, such as Yusuf bin Tashfin, to save them).

Muslims that arrived from Andalus into the *Magrhib* before the fall of Garnata in 1492, came in small numbers, and a result could secure themselves a comfortable life and, sometimes, important

241 Abu Bakr Muhammad Ibn Al Walid Ibn Khalaf Al Tartushi (b. 451 A.H./1059 C.E. - d. 520 A.H/1127 C.E.) was a famous jurist originally from Tortosa (طرطوشة), in Muslim Spain.He travelled in pursuit of knowledge, as was the custom of his day, seeking to educated himself on various scholars in different part of the world, as far east as Baghdad, Damascus, Aleppo, Cairo, and Alexandria. He settled in Alexandria, Egypt, teaching there in a school. He opposed the Ismaili tendency of the Fatimid dynasty in Egypt. He also, along with al-Gazzali, issued a fatwa for Yusuf Ibn Tashfin, the Murabitun ruler, allowing him to invade Andalus and depose the divided Taifa kingdoms. One of his famous works was Siraj al-Muluk (سراج الملوك). He also wrote other works.

242 It is reported that he was a student of Imam Ghazali for some time. He was a master of Maliki Fiqh. His father was a student of Ibn Hazm. He wrote 'Aridhat al-Ahwazi' which is the *Shar'* for Sunan Tirmidhi, *Al-'Awasim min al-Qawasim* and *Al Ahkam Al Quran*, to name but a few. He was from Seville and died in 1148 CE/543 AH

government positions, (Abun-Nasr, 142). As for those that came after the fall of Garnata, (during the three period described above), they came in large numbers and did not achieve as much a success as the Muslims that came before them. Their woes were compounded by the fact that there existed a streak of arrogance within Andalusi Muslims to view their *Magrhibi* brethren with disdain, as they would say in America, 'country bumpkins.' The Andalusis saw themselves as culturally more refined and more cultured and, after the fall of Garnata, their expulsion from Andalus and their arrival in the *maghrib*, the Andalusis grew more or more outspoken in their criticism of life in the *Maghrib*, and, essentially in *Dar Al Islam*. In fact "…One Muslim from Baza [Basta] who went to Africa 'to seek adventure' returned to Valencia in order to become a Christian. Another from Málaga endeavored to return to Granada 'after not liking the said land [North Africa].' Among the Valencian Muslims returning home after the panicked flight to the Maghrib in 1502 was Azmet Aniza of Alcudiola. He longed for Valencia, 'because in that land [Africa] he did not have what [was necessary] to live.' Stated bluntly, some Muslims, so long as they could practice Islam, preferred eating in Valencia to starvation in an Islamic land. Pragmatism, survival instinct, striking the best deal possible with one's lord, and the Valencian Muslim's deep attachment to the land of the *Sharq al-Andalus*, (Meyerson, 84)."

This sentiment is captured in a fatwa penned by Imam Ahmad Al Wanshirisi of Fez, one of the most promiment Maliki Imams of the *Maghrib*. In 1489 CE, he sent a fatwa to questioner from Andalus, Abd Allah bin Qateyah (probably a jurisprudent from Andalus), regarding the obligation to emigrate from Andalus in light of the imminent collapse of Andalus, (keep in mind by this time, almost all of Garnata was in Christian save for a few isolated outposts and the city itself). The fatwa was titled "The Most Sublime Transaction: A Clarification of [the Legal Status] of Anyone Whose Homeland Has Been Conquered by the Christians and Who Did Not Emigrate, and the Punishments and Curbs That Ensue for Him,[243]" and in it Wanshirisi was asked:

> "It is that some of the Andalusians who emigrated from Andalusia, leaving homes, lands, orchards, vineyards, and other kinds of landed property and spending in addition large sums of cash for the purpose, departing from under infidel rule, claimed that they were fleeing to Allah to save their faith, their lives, their wives, and their children and whatever wealth remained in their hands or in the hands of some of them. They settled—May Allah be Praised – in the Abode of Islam under obedience to Allah, His messenger, and the rule of a Muslim authority. However, having arrived in the Abode of Islam, they regretted having emigrated and became dissatisfied. They claimed that they found conditions difficult for them and that they had not found in the Abode of Islam -- namely the land of Morocco, may Allah protect it, defend its land, and aid its sultan -- kindness, prosperity, or support in their search for a livelihood in general company nor easy, nor support, nor did they find in the lands at their disposal safety or suitability and they avow publicly with all that precedes with disgusting speech proving their weakness in religion and their incorrect certainty in their *aqeedah* and proving their *hijrah* was not for Allah and his messenger as they claim and it was only for the obtainment of the *dunya* as soon as they arrived according to their desires. So, whenever they found that not according to their desires, they disparaged *Dar Al Islam* and its condition and they insulted the one who was the cause of their making *hijrah* and they cursed him and they praised *Dar Al Kufr* and its people and regretted leaving it. Perhaps, it is recorded from some of them, that he spoke with ungratefulness to *Dar Al Islam*, which is this land, may Allah protect it: "We are making *hijrah* from there [Andalus] to here [Morocco] while we should be

[243] *'Asna al-Matajir fi Bayan Man Ghalaba ala Watanihi al-Nasara wa Lam Yuhajir wa Ma Yatarattabu Alayhi min al-Uqubat wa al-Zawajir'*

making *hijrah* from here to there!" and another one said: "If the Castillian King comes to our side, well go to him and request him to take us back there [Castille], meaning to *Dar Al Kufr*. And also from some of them, that they desire to perform legal ruse [*Heela*] to return to *Dar Al Kufr* to enter under '*kafir* protection'[244] however possible, (Wanshirisi, 119-120)."

Wanshirisi began by thoroughly expounding the obligatory nature of *hijrah* from *Dar Al Kufr* and then turned to the subject of this mentioned in the question, who disparage *Dar Al Islam* and prefer *Dar Al Kufr* over it:

"…And what was mentioned in the question about the onset of regret and discontent by some of the *muhajireen* from *Dar Al Harb*[245] to *Dar Al Islam* and of what they claim in difficulty of livelihood and of the absence of the ability to 'enjoy life' is a baseless interpretation in the eyes of the venerable *Shariah*. So none [should] misinterpret this meaning and consider it, and put [it] in front of his eyes, except for one weak in his *yaqeen*[246], nay, one lacking in intelligence and *deen*! How is it possible that this interpretation would bring about a proof for the cessation of *hijrah* from *Dar Al Harb* while in the land of Islam, Allah's word is elevated in a wide and spacious domain for the strong and the weak, and the light and heavy.[247] And Allah has spread out the lands so one can seek protection in them if he has been afflicted with this tragedy of kufr and this sudden strike of the Christians upon his *deen*, his wife and his offspring?! Indeed a large group, a noble fellowship of the noble *Sahaba*, (may Allah be pleased with them) and the greatest of them, made *hijrah* to the lands of *Habasha* [Ethiopia] running away with their religion [intact] from the harassment of the *mushrikeen*, the people of Makkah. Among them was Jafar Ibn Abi Talib and Abu Salama Ibn Abd Al Asad and Uthman Ibn Affaan, and Abu Ubayda Al Jarrah, and the condition of the land of Habasha was very well known,[248] and others migrated to other lands. They[249] abandoned their lands, wealth, offspring and fathers and they forsook them, fought them and waged war against them, clinging to their deen and rejecting their dunya.

And how is it that a chance, from amongst the chances [is given to make *hijrah* to the *Maghrib*] that leaving it would not disrupt prospering amongst the Muslims nor would its rejection affect the sustenance of those seeking provision. Especially this religious land of the *Maghrib*, may Allah protect from its heart to its borders and increase it in honor and nobility and protect it from the foreigners and distress.[250] It is the most fertile land from the lands of Allah and the land with the most contentment across its lands, especially the lands of Fas [Fez], in its domains and its regions compared to all sides and regions?![251]

If this misconception was sound, and Allah forbid that the one who came up with it is lacking in the necessary intelligence and lacking in the right opinion and understanding, then he has established upon his despicable and contemptable self an argument and a banner of [indicating his] preferring the despicable vanities of this world over the religious duty [whose

[244] Or *Dhimmat Al Kuffaar*
[245] i.e. Andalus
[246] Iman or belief
[247] As Allah says: "Set out Light or heavy" in Surah Tawbah, verse 41, and it means Old and young, weak and strong, rich or poor, etc. (see Ibn kathir Tafsir of the verse)
[248] i.e. conditions were bad in habasha
[249] the Sahaba that emigrated
[250] i.e. the enemy and in this the case specifically, the Spanish and portugese
[251] from

benefit] is saved for the hereafter. And how evil is this preference and fondness, and he, whoever preferred this or fell into [this trap], has become a failure and a loser.

Will not the deceived one, the one who is regretful, realize his transaction in regards to his emigration from a land of Trinity, the land in which the [church] bells are rung and Satan is worshipped and the most merciful is denied, that all the man has is his deen, since with it is his everlasting salvation and happiness in the hereafter and for it he favors sacrificing his precious life over his reputed wealth.

Allah says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لا تُلْهِكُمْ أَمْوالُكُمْ و لا أَولادُكُمْ عَن ذِكْرِ اللَّهِ و مَن يَفْعَلْ ذَلِكَ فَأُولَئِكَ هُمُ الْخَاسِرُونَ﴾[252]

O you who believe! Let not your properties or your children divert you from the remembrance of Allah. And whosoever does that, then they are the losers

And Allah says:

﴿إِنَّمَا أَمْوالُكُمْ و أَولادُكُمْ فِتْنَةٌ و اللَّهُ عِندَهُ أَجْرٌ عَظِيمٌ﴾[253]

Your wealth and your children are only a Fitnah, whereas Allah! With Him is a great reward

The greatest and most noble benefits of wealth known to the people of intellect, is to spend it in Allahs way, desiring his pleasure, so how does he rush into obstinacy and throw himself prostrate for or hastens to befriend the enemy all for the sake of [wealth]? Indeed Allah has said:

﴿فَتَرَى الَّذِينَ فِي قُلُوبِهِم مَّرَضٌ يُسَارِعُونَ فِيهِمْ يَقُولُونَ نَخْشَى أَن تُصِيبَنَا دَآئِرَةٌ﴾[254]

And you see those in whose hearts there is a disease, they hurry to their friendship, saying: "We fear lest some misfortune of a disaster may befall us."

And the 'misfortune' mentioned in this verse is the loss of possession of property and wealth, so he has been described as having a disease in his heart and weakness of yaqeen.

[252] Surah Al Munafiqun, Ayah 9
[253] Surah Al Taghabun, Ayah 15
[254] Surah Al Ma'idah, Verse 52

And if he had been strong in his deen and correct in his *yaqeen*, confident in Allah, and dependent upon him, and relying upon him [for support], he would not have neglected the fundamental principle of trust, because of its elevated rank, and its increase of the fruits[255], and its testifying to correct iman and strong *yaqeen*.

If this has happened, no leave at all to return or not emigrate is to be given to anyone whom you have mentioned. He is not to be excused, no matter whether he accomplishes it by great hardship or subtle device. Whenever he finds a way to free himself from the noose of the infidels and finds no kin to defend him and protectors to pity him, and he consents to remain in a place where the faith is being oppressed and Muslim rites are forbidden to be practiced openly, he is a renegade from the faith and has joined the community of the infidels. One's duty is to flee from an abode that has been conquered by people of polytheism and loss to an abode of safety and faith. When they try to excuse themselves, one should reply to them:

﴿أَلَمْ تَكُنْ أَرْضُ اللّهِ واسِعَةً﴾[256]

Was not Allah's earth spacious enough?

In other words, to wherever an emigrant turns, even if he is weak, he will find Allah's earth wide and extensive. There is no excuse for anyone who is able, be it the difficulty of doing or contriving it, or difficulty of earning one's living, or constrained circumstances. The only one who has an excuse is some one abased and utterly unable, who can find no device or way at all. Whoever took the initiative to flee and hurried in transporting himself from the land of ruin[257] to the land of the righteous. So that is the clear constant urging concerning the situation of the life of this world for what it would become for his condition in the hereafter, because the one, who for whom righteous deeds are made easy for, then victory and success is hoped for him. And for whoever the evil deeds are made easy for, then destruction and loss is feared for him. May Allah make us and you from among those for whom he smoothens the path of ease [goodness] and those who benefit from admonition[258]

What you have mentioned concerning these *muhajireen* from their disgusting speech and their cursing of *Dar Al Islam* and their hoping for return to the the abode of polytheism[259] and idols and anything other than that from that which is abominable and vile and which only is said by lowly and depraved people. Humilition in this world is mandatory upon them and in the Hereafter and they should be lowered down to the worst of statuses…

These are the judgments that apply to them in this world. As for the judgment that will be passed in the next world on those who spent their lives and passed their old age and youth in living with and befriending them, did not emigrate, or emigrated and then returned to the country of non belief, and intentionally committed a great sin until the time of their death -- one takes refuge in Allah! However, on the basis of their true religion, they will not dwell eternally in torment. The torment of people who commit great sins will end and they will be

[255] i.e. benefits
[256] Surah Al Nisa, Verse 97
[257] Literally means hell, dar al bawar
[258] *Dhikra'*
[259] *shirk*

freed by the intercession of our master, Prophet, and protector Muhammad, the elect and chosen one, as mentioned in sound traditions…

The words of the man of feeble mind and religion that you have mentioned, ('Let him emigrate hither!'), in a tone of scorn and mockery, and the words of the other fool that if the ruler of Castille crosses over to here, we would go to him, and so forth -- his disgusting words and disgraceful expression – the ugliness of expression in the words of each of them is not hidden to your excellency, nor is the meanness and repugnancy of each of them hidden. No one would utter or countenance such sayings except someone whose soul has become foolish and who has lost – one takes refuge in Allah -- his sense, one who would abolish that whose transmission and meaning are sound, that which no one has disagreed about banning in all the inhabited Islamic world from the rising of the sun to its setting -- and all for corrupt purposes that in the view of the law have neither head nor tail, fantastic purposes that could only issue from a heart possessed by the devil, so that he has made it forget the sweetness of faith and the countries in which it can be found. Whoever commits these things and becomes entangled in them has hastened short-term and long-term shame to his vile self. Except that he is equal[253] in his disobedience, sin, enmity, hatred, loathesomeness, remoteness, deficiency, and worthiness of the greatest ignominiousness and reprehensibility to someone who completely abstains from leaving through befriending the enemies and living among strangers. For the limit of what has issued from these two vile men is a decision; which is a resolving and preparing the mind for action, but they have not acted…(Wanshirisi, 132)"

Wanshirisi received another question from the same questioner as before, Abu Abdallah Bin Qateyah, asking about a different scenario that he enounted in Valencia, with one of the *Ahl Al Dajn*:

"…A man from the people of Marbella who is known for his virtue and religiosity stayed behind and did not make Hijrah along with the people of his land. He did that in order to search for his brother who was lost beforehand while fighting the enemy in the land of war. He searched for information about him but even up till now he has not found him and he has given up hope of [finding] him. He intended to emigrate but another matter appeared before him which is that he is a spokesman and an aid for the Dhimmi Muslims where he resides and for those who neighbor him who are like him in western Andalus. He speaks on their behalf to the Christian rulers concerning what has befallen those [Muslims] from the disasters of their time. He also argues on their behalf and saves them, over and over again, from great predicaments, whereas many of them are incapable of handling that [duty] themselves. Rather, little it is that they would find the likes of him [skilled] in that art if he was to make *Hijrah*. They will also face great harm if they lose him.

Could it be permitted for him to reside with them under the rule of the *Millah Kafirah*[260] due to the benefit of his residing there for those poor *Dhimmis* even though he is capable of making Hijrah whenever he wants? Or would it not be permitted for him since they [*Dhimmi* Muslims] also do not have any permission to reside there where the laws of *kufr* are imposed over them, especially since it was permitted for them to make *Hijrah* and especially since [most of them] are capable of making it whenever they wish!...(Wanshirisi,)"

Wanshirisi answered thus:

[260] تحت حكم الملة الكافرة literally translates as under the rule of an infidel/disbelieving nation.

…Indeed our Deity, the One and Powerful, has surely made humiliation and lowliness for the cursed *kuffar*. Chained and shackled do they wander about the lands, in the major cities and territories to proclaim the honor of Islam and the honor of its chosen Prophet (صلَّى الله عليه وسلَّم). Whoever tries from amongst the Muslims, may Allah protect and save them, to reverse those chains and shackles onto his own neck then he has indeed opposed Allah and His messenger and has presented himself to the anger of the Noble, the Mighty. He deserves that Allah should cast him in the Fire along with them!

كَتَبَ اللَّهُ لأَغْلِبَنَّ أَنَا و رُسُلِي إِنَّ اللَّهَ قَوِيٌّ عَزِيزٌ

Allah has written (i.e. decreed) "I will surely overcome, I and My messengers." Indeed Allah is Powerful and Exalted in Might.[261]

What is obligatory upon every believer who believes in Allah and the Last Day is to labor in protecting the apex[262] of faith by distancing and fleeing from residing with the enemies of the beloved of *Al Rahman*[263] [the Prophet (صلَّى الله عليه وسلَّم)]. The problem with the residing of the virtuous [person] mentioned due to what has appeared of necessity of interpretation between the tyrant and those under his custody of the *Dajan* and disobedient people[264] is that he is not freed of the obligation of making Hijrah. No one, except an ignorant or one who purposely ignores [the truth] or one who is of defective nature, can think on the contrary…This is because residing with the *kuffaar*, save those who are *Dhimmis* or *Ahl As-Sighaar*[265], is not permissible nor is it allowed for an hour [any moment] of a day! That is due to what it will bring forth of filth, impurities and corruption in the religious sense and the worldly sense for ages to come!

Among (those results of filth, impurity and corruption in religion and worldly affairs) is: that the goal of the *Shariah* is to make the Word of Islam and the Testimony to the Truth established upon its emergence and overpowering other [words] besides it[266]. It [Islam] is too exalted from disdain of it and too exalted from the appearance of the signs of *kufr* upon it. Residing with them [*kuffaar*] under humiliation and inferiority necessitates, and it is only obvious that it would do so, that this High, Noble and Elevated Word be low and not high and scorned not exalted. This violation of the principles and fundamentals of the Shari'ah should be enough for you [to realize its incorrectness] and for the one who endures and is patient upon it [this contradiction] his whole life without any necessity or compulsion!...

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[261] Surah Mujaadilah, Ayah 21

[262] رأس الإيمان

[263] One of the names of Allah and it means 'The Merciful'

[264] He is describing and disparaging the *Mudajaneen* who remain behind *dar al kufr* under the protection of the Christian king and pay him *jizyah*!

[265] In a state of Inferiority or humility. Referring to the *kuffaar*

[266] i.e. overpower and discard all other ways of life and 'religions' other than Islam

…Jihad for the exaltation of the Word of Truth and for the obliteration of *kufr* is amongst the fundamental deeds of Islam and it is a collective duty[267] [upon the Muslims] and when there is dire need[268]. Especially in these locations of the residency of the one questioned about and [lands in] its vicinity. Furthermore, they [the Muslism of these areas] either have a necessity[269] prohibiting them from it [*jihad*] generally, such as the one who is resolute/intent on leaving it [*jihad*] without necessity.The one who is resolute/intent on giving it [*jihad*] up without necessity is like the one who abandons it intentionally and voluntarily, or boldly embarking upon its [*jihad's*] antithesis by aiding their rulers [*Awliyaa'*] against the Muslims[270], by either their lives or with their wealth. They have become, therefore, *harbiyoon* [belligerents] along with the *mushrikeen*. This violation and misguidance should be enough for you!

It has then become clear, from this account, the deficiency of their *Salah*, fasting, Zakah and *Jihad*. Their failure to exalt the Word of Allah and the Testimony of Truth is also clear. Their neglect for its high regard, its glorification, its exaltation from the scorn of the *kuffar* and the fraud of the immoral people [*fujjaar*] is also clear. So how is it that a law maker should hesitate and that a devout person should doubt in prohibiting his residence along with its being contrary to all of these noble and lofty principles of Islam? Along with what is associated and affiliated with this subjugated residence from that which does not separate from it mostly of worldly humiliation and the bearing of lowliness and disgrace!? It is also, along with that, contrary to the known honor of the Muslims with their high prestige! It also calls towards scorn of the *deen* [Islam] and injustice to it which consists of [different] matters which make the ears tremble!

Among those (matters) is: degradation, scorn and indignity while the Prophet (صلَّى الله عليه وسلَّم) has said,

لا ينبغي لمسلم أن يذل نفسه

"It does not befit a Muslim that he should degrade himself."[271]

And he has said:

اليد العليا خير من اليد السفلى

[267] Fard Kifayah.

[268] و عند مسيس الحاجة

[269] ضرورة

[270] The first class is of people that leave jihad for necessity and those without necessity, while the second class is of those who not only leave jihad but help the enemy with the money and actually physically assisting the enemy by fighting alongside them.

[271] Tirmidhi, Vol. 4, p. 522-523 in Kitab Al Fitan, Hadith # 2204. Ibn Majah, Vol. 2, p. 384 in Kitab Al Fitan, Hadith #: 4066. Imam Ahmad's Musnad vol. 16, p. 628, Hadith #: 23336. Narrator is Hudheyfah Bin Al Yimaan and it is *Saheeh*. The full wording following the beginning of the hadith given above is:

...قالوا : و كيف يذلُّ نفسَه ؟ قال : (يتعرّض من البلاء لما لا يطيقه)

"The higher hand is better than the lower hand."[272]

And among those [matters] is: disdain and mockery. No one who has a sense of honor will bear that without necessity…

…Another matter is: fear from trials in religion. Say that the elders and intelligent ones will be safe from them, but who then will save the young ones, foolish ones and the weak women if the leaders of the enemies and their devils are assigned over them?

Another matter is: fear of trials of the male and female sexual organs [lit. penises and vaginas] and when will a spouse of a wife, daughter or pure relative be safe from a vile one from the 'dogs' and 'pigs' of the enemies, that he happens to come upon them [i.e. wife, daughter or pure relative] and delude her from herself and make her misguide herself in her religion and to take possession over her so that she obeys him and he comes between her and her legal guardian by her defecting [in her *deen*] or by trials in her *deen*. Like what happened to the daughter-in-law of Al-Mu'tamad bin Abbaad[273] and to what she has of children, may Allah protect us from trials and the misfortunes of the enemies.[274]

Another matter is: fear of walking with them, mixing with them and fear from their tongues along with fear of their ugly taxes of the residents over long years as occurred to the people of Avila and others. They also lost the Arabic language in total and when the [Arabic] language is lost in total, so too are the acts of worship lost. And what a [tragedy it is], the loss of the verbal acts of worship being that they are so many and that their virtue is so great!

…The Imam of *Dar ul-Hijrah* [Madinah] Abu Abdillah Malik ibn Anas [Imam Malik] (may Allah be pleased with him) said:

> "Indeed the verse of Hijrah puts forth that it is necessary for each Muslim to leave from the lands which the *Sunan* are changed or other than the truth is acted upon."

…There is then no room for the virtuous person mentioned in his residing in the mentioned place for the mentioned purpose. No permission for him nor for his companions concerning what has happened upon their clothes and bodies of the impurities and filth since pardon from that is conditional to difficulty of avoidance and inaccessibility and there is no difficulty due to their choice of residing and acting upon what is contrary to correctness…(ibid,)"

The conditions Wanshirisi had laid down, (prior to the fall of Granata, the conversion campaigns and the multiple attempts at expelling the Muslims), were clear and precise, with copious citations, but it would seem a large number of the Muslims of Garnata either chose willingly to not listen to him or due to lack of means, even if they knew of the *fatwa*, could not emigrate to *Dar Al*

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[272] Sahih Bukhari, Vol. 3, p. 345 in Kitab Al Zakaat, Hadith #: 1427. Narrator is Hakeem Bin Hizaam. A second narration in Bukhari is in vol. 9, p. 410 in Kitab Al Nafaqaat, Hadith #: 5355. Narrator is Abu Hureyrah. Also in Sahih Muslim Vol. 2, p. 145-146 in Kitab Al Zakat, Hadith #: 1033. Narrator: Abdallah Bin Umar

[273] He was the third and last ruler (reigned 1069–1091) of Seville/Ishbilliyah from Banu Abbaad.

[274] His daughter in law is Zaida, who was married to Mu'tamid's son, Abul Fatah Al Ma'mun (the Emir of Qurtuba at the time). She ran off to the army camp of the Spanish as an apostate from Islam and accepted Christianity and became a mistress of Alfonso the sixth and bore a son for him, (Sancho). She also accepted the new Christian name of Isabel. Her tomb can be found in the town of Leon in north west Spain, in the province of Castile and Leon.

Islam. How else could one explain the large numbers of Muslims that remained even after the fall of Garnata? In light of what was mentioned about the *Mudajjan* previously, it is not surprising that many of them chose to be humiliated further due their love of the *kuffaar* and their ways.

However, if it were just Imam Wanshirisi raising his voice in the wilderness, it would have been understandable that the *Ahl Dajn* chose to stay in *Dar Al Kufr*. However these *fatawa* were available to the Muslims of Arghun, Valencia and even Garnata, as Muslim Muftis from Garnata released fatwas concerning the obligation of *hijrah* to Dar Al Islam. Keep in Mind, prior to the fall of the Garnata, the *Ahl Al Dajn* of Valencia and Arghun chose to willingly stay there and not leave to the then Islamic territory of Garnata, (not to mention the Maghrib). In the early 14th century CE, Muhammad Bin 'Ali Al Ansari Al Haffir of Garnata wrote a *fatwa* concerning those Ahl Al Dajn residing in Valencia and Arghun especially, (the translation of the *fatwa*, the arabic and the original manuscript is included in Appendices A-C). He was asked:

> "…your answer [is requested] concerning the Mudajjaleen residing in the land of the Christians and living in their land among them. Is emigration to the land of Islam obligatory for them? (Miller, 278)"

He was also asked about matters pertaining to one spouse wanting to make *hijrah*, while the other did not. He answered:

> "The Prophet (صلَّى الله عليه وسلَّم) said:
>
> ﴿أنا بريء من [كل] مسلم مقيم مع المشركين﴾
>
> *"I am free from any Muslim residing alongside the mushrikeen"*[275]
>
> [Thus] it is not permitted for a Muslim who has the capacity to emigrate from exposure to the infidels to remain among them, because they are subject to the laws of unbelief and because they constantly witness lack of belief in Allah [*kufr*] and [yet] they do not have the capacity to change it. It is incumbent upon them to emigrate from [this] place, therefore, since it is not permitted for a Muslim to keep company with one who engages in the sinful activities of drinking wine, committing adultery, or other sinful acts. How much the more so is it not permitted to live with one who does not believe in Allah and tells lies about His Prophet? Thus, emigration should be regarded as a duty by virtue of *ijma'* [consensus of the community]. If one of the spouses wants to emigrate from the land of the infidel and approach [Dar Al Islam], and the other refuses, then he has no excuse on this account but should [nevertheless] emigrate and leave his/her spouse. For religious interests must prevail over *Maslaha*…(ibid)."

This *fatwa* was not only available to he Muslims of not only Garnata, but also Valencia and Arghun, as it has been found in records of the Muslims of these areas by way of Inquisitional Court records, and also by hidden libraries unearthed recently, (such as the Almonacid collection). Morever, another Garnatan Mufti, Yusuf bin abi Al Qasim Al 'Adari Al Mawwaq, released a fatwa

[275] Saheeh hadith from Sunan Tirmidhi, vol. 4, p. 155, Hadith #: 1604 and also in Abu Dawood, Hadith #: 2645, and Sunan Nisai as well. Narrator of the hadith was Jarir Bin AbdAllah

after the fall of Garnata in 1492 answering questions about the obligation of fleeing from Dar Al Kufr, (Fatwa is available through Appendices D-F). The questioner asked:

> "…If there is a man with two parents, or one of them, [living] in the Dar Al Harb, is it incumbent upon him, permitted, or recommended, to visit them or not, even if this results in neglecting them? If you say the first [viz., it is incumbent upon him to visit], should he visit them and return, or may he reside [there], [if] they request this of him? And does [this pertain] even if Christian authority and their laws apply to him, especially if he fears for his life? What is the judgment, may Allah be satisfied with you, regarding one who is living in the Dar Al Harb…? Is it obligatory for him to leave? Even if this [would] lead to his begging for alms in the land of Muslims? Or it is preferable [*yastahib*] for him, or is it permissible[*yajooz*]?...(ibid, 284)."

Imam Mawwaq answered:

> "…If the parents have the capacity to emigrate or leave from Dar Al Harb or the land of the Shirk, without danger or fear, then it is not permitted to them to remain there, [even] if this leads to their impoverishment and their begging for alms. Indeed, the Companions of the Prophet-peace be upon Him-had emigrated and left behind what belonged to them. Some of the *Ahl Al-Suffa*[276] among them were supported by the alms of Muslims. The Prophet (SAWS) when he received alms, would send it to them. Under such circumstances it is not permitted to their son to travel to them for a visit and for any other thing which is not obligatory. If they do not have the capacity to emigrate, and he has the means to bring them out and rescue them from the ignominy of unbelief, then it is his obligation to do so; otherwise, it is also not permissible for him to visit them-even though [from another perspective] it is recommended on account of the fact that entry into [Dar Al Harb] results in [viz., his parents] contentment-because this also leads to entering under the ignominy of unbelief and that is a religious sin against Allah. No obedience is owed to a created [human being] if [it entails] disobeying the Creator…As for one who has an excuse, he is excused on account of that excuse: For one whose effort is pious, Allah magnifies his reward. Allah the Almighty said:
>
> ﴿فَمَن يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْراً يَرَهُ– وَمَن يَعْـــمَلْ مِثْقَالَ ذَرَّةٍ شَرّاً يَرَهُ﴾
>
> *So, whosoever does good equal to the weight of a speck of dust shall see it. And whosoever does evil equal to the weight of a speck of dust shall see it*[277]
>
> One who repents of sin is like one without sin, since there is no sin greater than *kufr*. And Allah says:

[276] Among the Companions were some who dedicated themselves wholly to serving Islam. They spent all their time in learning Islam with all its subtleties, listening to the Prophet and communicating to others what they learnt and heard. They lived in the long, narrow chamber affixed to the Mosque and were therefore called Ashab al-Suffa, (the Companions of the Suffa). Since they spent their time in serving Islam by learning and teaching, they were poor and were provided by the Prophet and the rich among the Companions. They managed on very meager provisionsindeed. The Prophet, upon Him be peace and blessings, was very careful about their livelihood. Once his daughter Fatima, may Allah be pleased with her, asked him for a servant. The Messenger answered: 'How can you say that? I haven't been able to assure the livelihood of the Ahl-Suffa yet.' Abu Hurayrah (ض) was one of the Ahl Al-Suffa

[277] Surah Al Zalzalah, Verses 7-8

﴿قُل لِّلَّذِينَ كَفَرُوٓاْ إِن يَنتَهُواْ يُغْفَرْ لَهُم مَّا قَدْ سَلَفَ﴾

Say to those who have disbelieved, if they cease, their past will be forgiven[278]

(Ibid, 285)"

This *fatwa* again was available to all of the Muslims of Andalus in all areas, so then why the hesitation? Why didn't they leave? These are questions we of the west know well, but yet chose to ignore at our peril, perhaps like our predecessors, the Muslims of Andalus.

Finally, the scholar and traveler Ibn Jubayr had written about his travels in his book "*Rihlat Ibn Jubayr*," (or The Travels of Ibn Jubayr), in 1186 during the period of Muwahiddun rule over Andalus. By the time of his travels and writing, Muslims had already lost numerous cities, (most central and northern), to the Christians such as Ishbunah, (Lisbon), Saraqusta, (Zaragoza), and Tulaytola, (Toledo). Many Muslims lived in these lands as well under Christian ruler, mostly willingly. However, almost 190 years before Ibn Jubayr's writing, Muslims had lost the island of Siklia [Sicily], to the Christian king, Roger I, in 1091. Muslim had opened Sicily to the Islamic *Dawah* in 965 CE, during the reign of the *Khilafah* of Banu Abbaas, (Abbasids). On the return trip back from performing *hajj*, Ibn Jubayr stopped off in Siklia and visited, among other places, the city of Al Madinah [Palermo] and commented on the Muslims of the city:

> " The Muslims of this city preserve the remaining evidence of the *deen*. They keep in repair the greater number of their *masajid*, and come to prayers at the call of the muezzin. In their own suburbs they live apart from the Christians…They do not congregate for *jumuah*, since the *khutbah* is forbidden. On feast-days [*Eidain*, or the two Eids] (only may) they recite it with intercessions for the Abbasid *khalifa*…in general these Muslims [Muslims that live in suburbs far from the Christians] do not mix with their brethren under infidel patronage, and enjoy no security for their goods, their women, or their children. May Allah, by His favor, amend their lot with His beneficence, (Ibn Jubayr, 348-349)."

Clearly, there was no institution yet, such as the inquisition operating in Siklia at the time and thus we don't hear of mass forced conversions or of squads of inquisitors chasing down hidden communities of Muslims. Apparently, the government at the time looked away from the people practicing Islam away from Christian population center. As for those unfortunate to be left behind in these population centers, they were reported converted to Christianity by force. Ibn Jubayr moved on to the town of Atrabanish [Trapani] and said the following about the state of Muslims in Siklia:

> "During the time of our stay in this town, we learnt painful things about the grievous state of the Muslims in this island concerning their relations with the worshippers of the Cross [*Ubbaad Al Saleeb*]—May Allah destroy them—their humiliation and abasement, their state of vassalage under the Christians, and the duress of their king, bringing the calamities and misfortunes of apostasy [*Riddah*] on those of their women and children for whom Allah had ordained such suffering, (ibid, 357)."

He then goes on to cite an amazing example of a *Faqih* that apostated from Islam:

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[278] Surah Anfaal, Verse 38

> “The king sometimes used force as a means of making some of their *Shuyukh* renounce their faith. There is the story of recent years concerning one of the learned doctors in Shariah in the capital of their tyrant king. He is known as Ibn Zur’ah, and was so pressed by the demands of the officials that he declared his renunciation of Islam and plunged into the Christian religion. He diligently memorized the New Testament, studied the usages of the Rum, and learnt the Canon law, until he was accepted into the body of Priests who give judgement on law-suits between Christians. When a Muslim case arose, he would give judgement on that too, based on his previous knowledge of the Sharia; and thus recourse was made to this decisions under both codes. He owned a masjid opposite his house which he converted into a Church. Allah protect us from the results of apostasy and false ways. With all this, that he but concealedwhat was really his true faith; and it may be that he took advantage of the exception allowed for in Allahs words:
>
> ﴿إِلاَّ مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالإِيمَـــنِ﴾[279]
>
> *Except one who was forced while his heart is at peace with the faith*
>
> (ibid, 357-358)”

Again we have a clear example of Muslims having to live under duress and forced to conceal their Islam. This story could have been told five hundred years later and Andalus and it wouldn’t seem odd. The evidence seems to pile up against the Andalusis who chose to be *Ahl Al Dajn* in places such as Valencia, Arghun and later on, Garnata, (after the fall of city in 1492), wherein the excuse of not expecting to be forcefully converted by the Christians is baseless. However, just like in Andalus, there were righteous people that, wanting to leave *dar al kufr* for *dar al islam*, could not due to genuine excuse. Once again Ibn Jubayr tells us of a meeting with the Qa’id of the Muslims of Atrabanish [Trapani], Abu Al Qasim Ibn Hammud, and his intense desire to leave Siklia, (*dar al kufr*):

> “…he [the Qa’id] said to me, ‘I have wished to be sold (as a slave), I and my family, that perhaps the sale would free us from the state we are in and lead to our dwelling in Muslim lands,’ (ibid, 358).”

His desperation, (as a result of his dislike of the *kuffaar* and *dar al kufr*), was such that he <u>wished</u> to be sold in slavery, just to leave *dar al kufr*! However the most devious of tribulations for the Muslims in Siklia was that:

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[279] Surah Nahl, Ayah 106. The whole Ayah is:

﴿مَن كَفَرَ بِاللَّهِ مِن بَعْدِ إِيمَـــنِهِ إِلاَّ مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالإِيمَـــنِ وَلَـــكِن مَّن شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِّنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ﴾

Whoever disbelieves in Allah after his belief - except one who was forced while his heart is at peace with the faith - but whoever opens their breasts to disbelief, on them is wrath from Allah, and theirs will be a terrible torment

> "Should a man show anger to his son or his wife, or a woman to her daughter, the one who is the object of his displeasure may perversely throw himself into a Church, and there be baptized and turn Christian. Then there will be for the father no way of approaching his son, or the mother her daughter...The Muslims of Sicily therefore are most watchful of the management of their family, and their children, in case this should happen. The most clear-sighted of them fear that it shall chance to them all as it did in earlier times to the Muslim ihabitants of Crete. There a Christian despotism so long visited them with one (painful) circumstance after the other that they were all constrained to turn Christian, only those escaping whom Allah so decreed, (ibid, 359)."

Those living in Western Europe and North America will find the above eerily familiar. There are numerous cases in the West where children, if disciplined, will call '911' or '999'[280] and summon the police to file charges against their parents. The same can be said of wives or daughters doing the same. So what is the practicing father to do in light of this? First, he needs to ask why he is living in the west, (or for that matter any place deemed *dar al kufr*). Ibn Jubayr then goes on to describe one of the notables of the town of Atrabanish [Trapani]:

> "One of the notables of this town of Trapani sent his son to one of our pilgrim companions [Ibn Jubayr means the *hujjaaj* that are returning with him from Makka to Andalus], desiring of him that he would accept from him a daughter, a young virgin who was nearing the age of puberty. Should he be pleased with her, he could marry her; if not, he could marry her to any one of his countrymen who liked her. She would go with them, content to leave her father and brothers, desiring only to escape from the temptation (of apostasy), and to live in the lands of the Muslims…The man sought after, in order to earn a heavenly reward, accepted the offer, and we helped him to seize an opportunity which would lead him to the felicities both of this world and the next, [ibid, 360]."

The love of Islam and hatred for living under *kufr* was so strong in these people that they were willing to marry their daughters off to any Muslim who could take them back to *dar al islam*, without looking at their status or wealth! It can be assumed, actually hoped, that the same happened in Andalus, at least after the fall of Garnata, (if not prior to that). Ibn Jubayr narrates the conversation between the father and his daughter:

> "When her father consulted her as to the project she had said, 'if you hold me back, the responsibility (before Allah) will be yours,' (ibid)."

Sadly, this is the sort of *iman* we as the youth are missing these days, where we would be able to give up our luxuries, wealth and yes, even our lives for the sake of Allah (سبحانه و تعلى).

As for the discussion of whether the *Ahl Al Dajn* of Andalus living in Arghun, Valencia and Garnata should have known better as they had resources that predicted their fate, then it is a clear cut matter. Without mentioning the Quran and Sunnah in this matter, the numerous *fatawa* from Imam Mazari, Wanshirisi, Haffaar, Mawwaq and others are abundantly clear on the matter of *hijrah* from *dar al kufr* to *dar al islam*. Some may say that these *fatawa* use sophisticated languge that only educated people could understand it, then I say to them what about the numerous travelogues published by numerous Andalusi authors, such as Ibn Jubayr, describing, in some cases, the state of

[280] Numbers used to call the emergency services such as the Police and Fire Brigade, especially in the North America and Britain.

Muslims living under the *kuffaar* such as Siklia? These were written not in scholarly Arabic but accessible and markedly easier Arabic than *fatawa*. Certainly in the case of Ibn Jubary, it was written in the 12th century and was read and known by all from *maghrib* to *mashriq*, so how is it that none of the Ahl Al Dajn remembered the lessons of the Muslims of Siklia? The answer lies in the painful truth. The one staying willingly liked the rule of *kufr* better than living under Islam. They perhaps manufactured excuses to the effect that there was no need to emigrate due to the justice of their Christian ruler (ofcourse prior to the forced conversions), or concocting some excuse by which they would not have to emigrate. We today do the same, where organizations such as the Council of American Islamic Relations, Islamic Society of North America and the Muslim Council of Britain base their very existence on the foundation, that Muslims can stay in *Dar Al Kufr*. They say that every Muslim is a *da'ee*, even the one that sells liquor at his gas station store, or the one who deals in Riba-based transactions while working at a bank! Every Labor day [an American Holiday] people gather together for the ISNA, (or for that matter any mainstream Muslim group in the west), conference to hear useless speeches which are, for the most part, falsehood, as the very premise of these speeches is to work within the 'framework of democracy' and play by the rules of the *kuffaar*, never mentioning the twin duties of *hijrah* and *jihad*, (except in the context of *Jihad Al Nafs* of course). Some go as far as even supporting political parties during election years and campaigning alongside them, (one need only see the activities of the Muslim Political Action Committee, or MPAC, and CAIR during Obama's election, or more notoriously during the 2001 Bush campaign). So, when the two sisters with *hijab* were thrown off the stage prior to Obama's speech in North Carolina, did you not wake up to the reality, O you who slumber?! You will never be part of American, (and for that matter, western/*kafir*), society until you leave your Islam, (or that which is distasteful to the *kuffaar* such as jihad among many other things). As Allah (سبحانه و تعلى) says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ بِطَانَةً مِّن دُونِكُمْ لاَ يَأْلُونَكُمْ خَبَالاً وَدُّواْ مَا عَنِتُّمْ قَدْ بَدَتِ الْبَغْضَاء مِنْ أَفْوَاهِهِمْ و مَا تُخْفِي صُدُورُهُمْ أَكْبَرُ قَدْ بَيَّنَّا لَكُمُ الآيَاتِ إِن كُنتُمْ تَعْقِلُونَ﴾[281]

O you who believe! Take not as [your] Bitanah [advisors, helpers] those other than your own, since they will not fail to do their best to corrupt you. They desire to harm you severely. Hatred has already appeared from their mouths, but what their breasts conceal is far worse. Indeed We have made plain to you the Ayat if you understand

And Allah (سبحانه و تعلى) says:

﴿لاَّ يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاء مِن دُونِ الْمُؤْمِنِينَ و مَن يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللّهِ فِي شَيْءٍ إِلاَّ أَن تَتَّقُواْ مِنْهُمْ تُقَاةً و يُحَذِّرُكُمُ اللّهُ نَفْسَهُ و إِلَى اللّهِ الْمَصِيرُ﴾[282]

[281] Surah Al Imran, Verse 118
[282] Surah Al Imran, Verse 28

Let not the believers take the disbelievers as friends instead of the believers, and whoever does that, will never be helped by Allah in any way, unless you indeed fear a danger from them. And Allah warns you against Himself, and to Allah is the final return

And Allah (سبحانه و تعلى) says:

﴿الَّذِينَ يَتَّخِذُونَ الْكَافِرِينَ أَوْلِيَاء مِن دُونِ الْمُؤْمِنِينَ أَيَبْتَغُونَ عِندَهُمُ الْعِزَّةَ فَإِنَّ العِزَّةَ لِلّهِ جَمِيعاً﴾[283]

Those who take disbelievers for friends instead of believers, do they seek honor with them Verily, then to Allah belongs all honor).

And Allah (سبحانه و تعلى) says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ الْكَافِرِينَ أَوْلِيَاء مِن دُونِ الْمُؤْمِنِينَ أَتُرِيدُونَ أَن تَجْعَلُواْ لِلّهِ عَلَيْكُمْ سُلْطَاناً مُّبِيناً﴾[284]

O you who believe! Do not take disbelievers as friends instead of believers. Do you wish to offer Allah a manifest proof against yourselves?

And Allah (سبحانه و تعلى) says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ الْيَهُودَ و النَّصَارَى أَوْلِيَاء بَعْضُهُمْ أَوْلِيَاء بَعْضٍ و مَن يَتَوَلَّهُم مِّنكُمْ فَإِنَّهُ مِنْهُمْ إِنَّ اللّهَ لاَ يَهْدِي الْقَوْمَ الظَّالِمِينَ﴾[285]

O you who believe! Do not take friends from the Jews and the Christians, as they are but friends of each other. And if any among you befriends them, then surely, he is one of them. Verily, Allah guides not those people who are the wrongdoers.

Back to the question of numbers, Dr. Ibrahim Bin Abd Al Aziz Al Zaid, in an interview on the Saudi channel 'Al Majd,' provided numerous statistics in terms of Andalusi expellees. He stated that 270,000-340,000 were expelled in total from Andalus in entirety, (from all regions and

[283] Surah Al Nisa, Ayaat 138
[284] Surah Al Nisa, Ayaat 144
[285] Surah Ma'idah, Verse 51

throughout the whole expulsion process). This number flies in the face of the number previously provided by Prof. L.P Harvey of a mere 116,022 Muslims that were expelled. Dr. Ibrahim states that:

1. 65,000 of these went to Uthmani Algiers
2. While 50,000 went to Hafsid Tunis, (by far the location that treated the incoming Andalusi Muslims with the best welcome and aid).
3. 60,000 went to Sa'adi Morocco (where for hundreds of years Muslims had been arriving in the thousands, which made this the first choice of most emigrants from Spain, albeit after their horrible treatment at the hands of the government of Morroco, they soon thought about relocating elsewhere).
4. 5000 people went to Libya
5. 40,000 went to Istanbul and other Uthmani territories, especially Albania and Bosnia Herzgovina, (during the first evacuation of Muslims in and after 1492, A'ruj Reis, (and older brother of Khair Al Deen), the Uthmani admiral and *mujahid*, took the Muslims to Cyprus and Salonica as well, along with other locations as mentioned above).
6. 10,000-15,000 went to South America, (alongside the crusading Portugese and Spanish armies), and European countries such as Switzerland and France, (especially in the cities of Bordeaux and St. Jean De Luz).

That leaves us with more than 90,000 Muslims that have not been accounted for. Dr. Ibrahim stated that research indicates that 35,000 of these 90,000 Muslims, returned back to the Spain, while 50,000 died on the way, (either through sickness, being killed by Bedouins, death at sea or accidents). However, in another twist, these numbers are not complete as possibly thousands of Muslims remain unaccounted for. It is entirely possible that the number of Muslims expelled could rise to 500,000 perhaps. The other aspect that needs to be remembered is that, as was stated in the expulsion proclamations, Muslims children under 6 were kept behind in Spain to be made Christians, Muslim women married to original Christian men, (i.e. not Morisco men), could not leave the country and ofcourse 6% of the Muslims were kept behind to educate the Spaniards in the skills they possessed. These Muslims might, perhaps, account for the low number of accounted for of those expelled.

Ofcourse, there will continue to be dispute over the total numbers of Muslims expelled. Dr. Ibrahim gets his floor number of 270,000 from Henri Lapeyre, who had estimated from his study of census reports and embarkation lists that approximately 275,000 Spanish Muslims emigrated in the years 1609-14, out of a total of 300,000, (Lapeyre, 204-206). This number seems low in light of other estimates that show that the total was 600,000 as Roger Boase, (who in turn cites Marcos de Guadalajara Y Xavier, a 17th century Spanish priest), presents in his research, (Boase, 9-28). Keep in mind as well that the estimated total population of Spain at the time was about seven and a half million, and so a loss in the tune of 300,000-600,000 people from your tax and land revenue rolls would have certainly dealt the Spanish disbelievers a heavy blow. As for numbers presented of how many were killed on the way to the Maghrib or elsewhere, as Pedro Aznar Cardona, whose treatise justifying the expulsion was published in 1612, stated that between October 1609 and July 1611 over 50,000 died resisting expulsion, while over 60,000 died during their passage abroad either by land or sea or at the hands of their co-religionists after disembarking on the North African coast, (Cardona, 190v). In essence, more than a sixth of the Muslims that left Spain, died with the two years of the expulsion. As an example of the confusion, Henry Lea writes:

> "Navarette speaks of…3,000,000 Moriscos having been expelled at various times expelled from Spain…Von der Hammer reduces the number to 310,000, exlusive of those sent to the galleys [slavery] while Alfonso Sanchez raises it to 900,000. In modern times, Llorente

assumes a total of a million, while Janer estimates the whole Morisco population at the same figure, of who 100,000 perished or were enslaved, leaving 900,000 exiles. Vincente de la Fuente, on the other hand reduces the number to 120,000 souls while Danvile and Collada…estimate of something less than 500,000 souls…(Lea, '2001,' 359)."

Lea cites the account of naval transporters who were responsible for transporting Muslims from Valencia to Wahran, giving a statement to the Inquisitional courts of Valencia that:

"In making their way to Oran [Wahran], counted nine thousand corpses of those who had been slain, but there is little reason to suspect the statement of the Comendador de N. Senora de la Mercedes of Oran that what between disease and atrocities of the Arabs [Bedouins] two-thirds of those deported had perished. In fact, the general estimate was that the proportion was at least three quarters, (ibid, 364)."

Dr. Kataani explains the role of the Bedouin Arabs, (who were Muslim), in robbing and killing the Andalusi Muslims:

"However, the Andalusi *muhajireen* were treated the worst by the Algerian desert Bedouins,[286] especially by those that moved from the [Spanish] colony of Wahran to Uthmani lands[287]. The Bedouins killed a large number of them [the Andalusi *muhajireen*], plundered and ransacked their convoys, as described by Al Maqri, saying:

'The Bedouins and those who do not fear Allah, The Exalted, overpowered them and plundered their wealth and belongings.'

Furthermore, Abu Abdali said:

'When they were finished with them [the Bedouins] ordered to kill them [the Andalusis] and cut open their stomachs where they suspected they [The Andalusis] ingested their precious jewelery.'

The Uthmani authorities in the Algiers fought hard against these crimes, as well as the Ulema, who had set out to confront these crimes. Some tribes willingly defended the Andalusis, like the actions of the tribe of Suwayd which rose up to fight belligerent tribes that aggressed or wronged the Andalusis, such as the tribe of Hibra for their crimes [upon the Andalusis], (Kataani, 180)."

Sticking to the subject of the Uthmanis, the *Khalifa* Ahmed I, sent out a *firman*, (or an Imperial order), "…urging his governors and officials to facilitate the resettlement of the Moriscos in various parts of the Ottoman Empire, (Harvey, '2005,' 351)." In the *firmaan*, a comprehensive plan to resettle these Muslims, in a variety of places inside and outside Anatolia, but especially Tunis. Documents from the Turkish National archives show that the the Uthmani governor of Tunis received the *firman* from the *khalifa* which said, "We [the *khalifa*] have permitted them [the Moriscos] to settle near to Adana, Azir, Sis, Tarsus, and Kars, (ibid, 357)." Thus the Uthmanis did not concentrate the new Andalusi Muslim arrivals in one location, (such as Istanbul), but rather

[286] Nomads

[287] This is mentioned in the previous chapter when the first few Spanish ships arrived at the port of Wahran to disembark their ships of the expelled Muslims, who would by themselves then move into uthmani territory.

spread them out across the land. As far as it concerns Tunis, signs still remain today of the large number of Andalusis that had settled there. A whole quarter of Tunis is still called ‘Zuqaq Al Andalus,’ which means ‘Andalusia Alley,’ referring to the whole quarter. In other places on the outskirts of Tunis, the Andalusis built their own cities and communities such as Sidi Bou Said, Ariana, Zaghouan and Galaat Al-AndaUis. “Streets in modern Soliman and Testour are still named for old Andalusian cities, such as Rue Grenade [Granada] and Rue Valencia. In Tunis and in many Morisco towns, one can find a Rue des Andalous, or streets named for important families, such as Rue BenAicha in Soliman, (Rivers).” Moreover, the Uthmani authorities in Tunis provided new homes to the new arrivals in addition to giving tax ‘holidays’ to the Andalusis. Though these initiatives were initiatives from the central Uthmani authority in Istanbul, (the *Bab-e-A’li*), the Tunisian government went above and beyond and provided additional services on top of these programs.

As far as negatives are concerned, many Tunisians, (and other Maghribi local populations), for the most part, felt threatened by the massive influx of these new immigrants. They were given incentives, a headstart, housing and with the economic situation as it was at the time, many local Muslims in these countries started resenting the presence of the Andalusis. Imagine the burden such a large number of people would cause on cities in terms of services and availabilityof jobs. All of a sudden, ordinary Tunsians, (or for that fact Moroccans), found themselves competing with these lower paid, harder working, and higher skilled laborers and traders from Andalus. It was only natural that enemity would sprout in the hearts of the host Muslim population. Proof of this is found is a *firman* dated July 9th,1615, in which the *Khalifa*, Ahmad I, scolded his Tunisian governor by saying:

> “The situation [of the Morisco minority] has grown considerably worse because new taxes have been imposed, including some from which local people are exempt. Their [the Moriscos/Andalusi Muslims] situation is even worse that it was under the unbelievers…How are we to accept these injustices committed against those who had to flee from the unbeliever to seek refuge in our territories? (Harvey, ‘2005,’ 358).”

As for the social effects of the Andalusis on Tunisian society, they were numerous. One thing has to be said before proceeding, and that is, according to Professor Abd Al Jalil Tamimi, (the famous Tunisian expert on Andalus), that “it was very rare for Andalusians to marry 'outsiders,' that is, Arabs not of the same origin. This is one of the biggest reasons so much of their heritage still exists today, (ibid).” The Andalusis contributed Couscous as a dish to the Tunisian diet. This is because the Andalusis bought with them an array of vegetables of fruit that had been bought back by Spanish explorers from the Americas, (such as potatoes, chilis and other items). As for Couscous:

> “…the tomatoes on which its distinctive sauce is based, and the potatoes usually included in it, are both native to the Americas and were unknown to Europe or the East before 1492. Having savored the New World delicacies brought back by Spanish explorers, the Andalusians wasted no time learning to cultivate and enjoy them, and brought them along to Tunisia in the 16th century.
>
> Even the fiery spiciness of Tunisian couscous, *chakchouka*, *harissa* and *merguez* was made made possible by Andalusian farmers who introduced an astonishing assortment of New World peppers and chilies, along with other seasonings, into the local diet. And no Tunisian holiday, wedding or celebration would be complete without delicately flavored pastries such as *kaak warqa, tagine louz* and *kaaber*, (Ibid).”

There are numerous fascinating stories concerning Andalusi food that abound around Tunis such as:

> "One young man from Soliman described the special importance of a traditional Andalusian sausage callled *kwaris* to his family. He told how fleeing ancestors slipped their jewels into the plump sausage casings to keep them safe from thieves and avaricious boat captains, who often preyed on the Andalusian refugees. His Andalusian ancestors were able to purchase choice land in their new country, thanks to those few jewels, he said - and he remembered the story because every year at Eid Al Kabir, or 'Id Al Adha, the greatest Muslim feast, his grandfather recited it as the family ate the traditional *kwaris* sausage, (ibid)."

Moving to Morocco, Tetuan is also another interesting hub of Andalusi refugees over the years. It must be remembered the Andalusis did not just come to the *Maghrib* after the expulsion decree of 1610, but rather had been continuously arriving, in some cases, since the 14th century CE, during the expansions of Christian power in Andalus. In the case of Tetuan, six years before the fall of Garnata, a large contingent of soldiers under the Qa'id Sidi Ali Al Mandari arrived in Tetuan in 1485. Seeing the imminent demise of Garnata, they settled down in Tetuan and created Andalusi enclaves, where the Andalusi culture is still strong. Andalusi Muslims in Tetuan earned a living by way of agriculture, manufacturing and trade. Additionally many of the new arrivals with their extreme hatred of the *kuffar*, (due to the horrible treatment they had suffered over a hundred years under them), and of Spanish Christians especially, many of the Andalusis either with their own ships or aboard Uthmani naval vessels mounted *Ghazwas* upon the Christians ships and even upon the very shores of Spain, collecting a large amount of *ghaneema* and Christian slaves. Some even raided as far as Iceland, England and New England (in the US)! (Harvey, '2005,' 364). These Muslims used to launch their ships from various locations, such as Algiers or Sallee. Other Andalusis also became proficient weapons dealers for the Muslims naval *ghazis* and other Muslim forces, due to their ability to ship firearms and ammunition from Europe, (i.e. Spain), to the Muslim world.

As for the numbers given previously (regarding the expellees), the glaring part about them is the large number of Muslims returning to Spain that want to be under the *kuffaar*. If Imam Wanshirisi were alive to see the depravity of these people, what would he have done? Certainly it wipes away the myth of the black and white vision some Muslims, (even good ones), have of Muslims history that, "all of Muslims history was righteous and every land was a veritable *Madinat Al Munawwarah*, but then suddenly, one day, we got taken over and Muslims started liking *kufr* and the *kuffaar*." This perception is due to the weak and distorted understanding of Islamic history and it is clear that what happened before us is still happing with us. Many notable western Muslim scholars, have brushed *fatawa* such as the one from Imam Wanshirisi aside due to the fact that the fatwa is not applicable today due to some odd and bizarre reasons they make up. Perhaps they will say that the *kuffaar* let us pray and perfrom our ritual worship or *ibaadaat*, such as prayer, Zakat, Hajj and so on. They don't pay heed to the copious *Ayaat* and *Ahadith* dealing with the issue of living under the *kuffaar* and entering into the *Deen* in entirety. In other words, if *jihad* is part of our *deen* and, for obvious reasons, you can't even speak about it in a place like America, (much less participate in training or combat), how can you live there? There are numerous issues that are part of this question, and going into them would go beyond the scope of this study.

Dr. Katani, who was a researcher of Andalus, speaks in detail about the Muslims that landed in the Uthmani territory of Algeria:

> "As for Algiers, it is estimated that the number of those Andalusis of who migrated [from Spain] to it [Algiers], is approximately 65,000 Andalusis. It is also estimated that

approximately 25,000 Andalusis out of this number were solely in the capital city, Algiers, while many of them were distributed in the neighbouring cities, such as Al Bulayda [Blida[288]]. And approximately 22,000 Andalusis entered Algerian territory crossing through Wahran port. Those were the Spanish settlers at that time, and they moved to nearby Algerian cities, especially Tlemcen and Mustaghanem.[289] It is also estimated that approximately 18,000 of the Andalusis, emigrated to the Algerian coastal areas once more, such as Bijaya,[290] Sharshaal, Boona, (known as Anaaba[291]), and others. Most of the Andalusis headed towards Algiers from the Kingdom of Valencia and Old Aragon. Some of them also came from the Kingdom of Murcia.

The Uthmani state received the Andalusi *muhajireen* warmly in Algiers, and eased the road to settling down for them [i.e. helped them finding housing and work]. The Muhajireen found a generous welcome from the people of the major cities of Algiera, such as Algiers, Tlemcen, Bijaya, Mustaghanem and others, (Katani, 179-180)."

As for the occupations of the Muslim once they arrived in the Maghrib, the ones that arrived in Tunis were known to have been in the textile industry succefuly manufacturing and trading it. They excelled in making the famous Tunsian red 'bonnets' or *Chechia*. Some were famers who moved towards the countryside, especially the Medjerda River northwest of Tunis and the Cap Bon peninsula, where they helped in improving the agricultural economy of the country. Uptil today Andalusi towns such as Testour and Sloughia in the Medjerda Valley, or Soliman, Menzel Bou Zelfa and Grombalia in the Cap Bon region, you can find the descendants of the original immigrants from Spain.

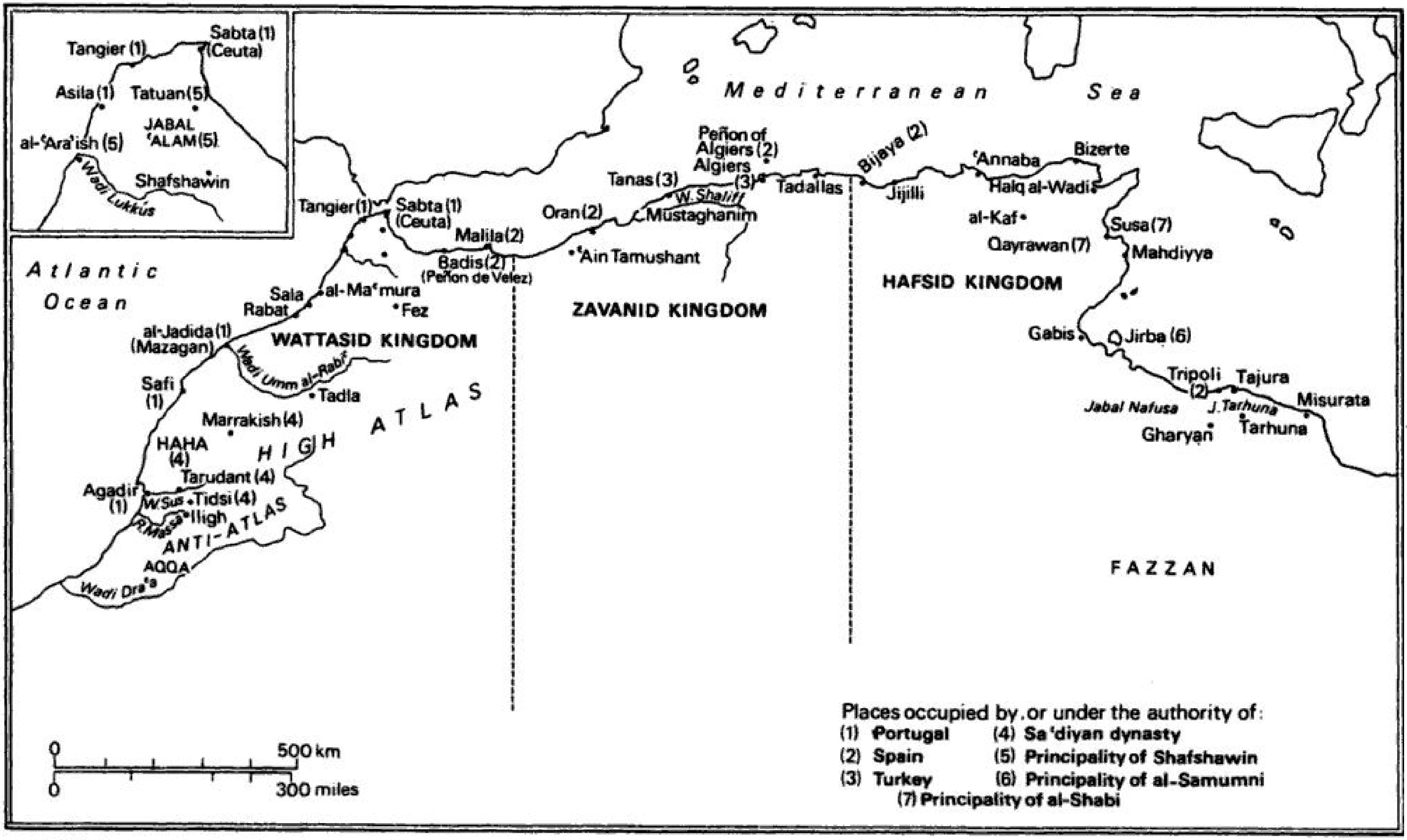
As for the state of the Maghrib at this period of time, it was in constant turmoil and strife. Internecine warfare between Muslim rulers was rampant. As will be shown in the map on the following page, The Muslims kingdoms, (and they were kingdoms which for the most part did not desire to come under the authority of the Uthmani *khilafa*), such as the Sa'adi's were constantly invading each others capitals and causing mass chaos in their respective territories. In addition, to add to the already strong influence of Sufi *Tariqa*s, (Orders) in the *Maghrib,* the *Tariqa*s, (such as the *Shadilliya*, which were undoubtedly the strongest of the lot in countries such as Morocco and still are), began to be more aggressive in asserting themselves and were involved in the political upheavals in the area during the 17th and 18th centuries, (with events culminating in the joint rebellion against Uthmani authority in 1805 by the *Darqawiyya*[292] and the *Tijaaniya* orders). For the most part, the Uthmani Khilafa had almost taken over all of the Maghrib by the 17th century, save for the few portions that survived under individual Sa'adi rule.

Many of the Andalusis served in the armies of the empires of the *Magrhrib* or the Uthmanis. Some of them even worked as emissaries and ambassadors. These Muslims were also very proficient military men, and bought numerous skills and knowledge of new technologies that the Spanish army had been employing in its armies. One such Muslim was Ibrahim Bin Ahmad Bin Ghanim Bin Muhammad Bin Zakariyya' Al Andalusi, who was known also by his Spanish name as Al Ribash', (or

[288] It is the capital of Blida Province, and it is located about 45 km south-west of Algiers, the national capital
[289] A port city in and capital of Mostaganem province, in the northwest of Algeria. The city, founded in the 11th century lies on the Gulf of Arzew, Mediterranean Sea and is 72 km ENE of Wahran
[290] Is a Mediterranean port on the Gulf of Bijaya, capital of Bijaya Province, northern Algeria
[291] A city in the northeastern corner of Algeria near the river Seybouse and the Tunisian border. It is located in Annaba Province.
[292] A sub order of the *Shadiliyya tariqah*

Rivas). He was born in 'Nawallash,' (Niguelas), which was located in the Al Bushra mountains, in the vicinity of Garnata. His family had survived the expulsion of 1571 which after the end of the Al Bushra Jihad, as he says he was brought up there, only later moving to Ishbiliyya, (Seville). The family probably managed this by either hiding in the Al Bushra mountains or pretending to be ‘old Christians,’ (i.e. original Christians and not Muslim converts to Christianity). In fact, he was a “…a sailor in the Spanish navy travelling to and from the West Indies with the galleons carrying silver, (James, 237).[293]” In the course of his travels, he mastered the art of gunnery and artillery. He arrived in 1609 or 1610 in Tunis, (which was at that time under the control of the Uthmanis). He joined the Uthmani naval *ghazis* operating from Tunis and was given command of a ship by 'Uthman Dey the ruler of Tunis, (attaining the rank of ‘*Ra’ees*’ or Uthmani rank of captain). He participated in numerous *ghazawaat* and was even captured and imprisoned by the Spanish at one point for a number of years. After his release, Ibrahim was sent by Yusuf Dey, (the Uthmani governor of Tunis

[293] This is further proof that practicing Muslims were present in Americas under the guise of the Spanish military.



Political centres in the Maghrib in 1529

from 1610-1637), to *Halq Al Wadi*[294] (La Goulette fortress), where he resumed his gunnery studies. Because of the incompetence of the fort's artillerymen, he decided to write a manual of gunnery similar to contemporary Spanish ones which would provide them with instruction. He began this *Manual* in 1630 and completed it two years later.

The interesting part of this work was that Ibrahim was not familiar with *fusha*/or literary Arabic and thus, the' *Manual*' was written in Spanish, which was also his mother tongue[295]. He tried to make an Arabic translation of his work, but could not find a suitable translator for it until he found Ahmad Bin Qasim Bin Ahmad Bin Al Faqih Qasim Bin Al Shaykh Al Hajari Al Andalusi[296], a fellow 'Morisco' and a former interpreter and envoy of the Sultan of Morocco, in 1638. Al Hajari was also living in Tunis at the time. The title of the Arabic version was *Kitab Al-'izz wa 'l-manaafi' lil-mujahideen fee sabil Allah bi 'l-madafi*.' The book was composed using Spanish naval manuals, (such as Luis Collado's *Platica manual de artilleria*), and contained fifty chapters dealing with the arts of gunnery, including loading, trajectory, transport, manufacture and even the history of gunpowder, (ibid, 239). Here is a short excerpt from the text, (extended excerpt is included in Appendix N):

> "Praise be to Allah, Lord of the Worlds, Giver of victory to the Believers over the *kafireen*! May He bless our Lord and Master Muhammad, the most excellent of mankind, who participated personally in some ten campaigns and was given Divine victory in the Jihad! May He be pleased with his family and his companions, the Rightly-Guided Caliphs, and those who continued their good works, until the Day of Judgement, Amen! We implore Him to give victory and happiness to all the Muslims and their leaders, a victory by which the Faith will be exulted and the Infidel humbled!…I made several voyages on the Atlantic. Later I sailed in the great vessels known in the foreign tongue as *ghalyuniyya* (i.e. galleons), which carry silver from the distant West Indies, travelling in convoys as is their custom with troops and artillerymen on board...I came to the city of Tunis-May Allah protect it-where I found many Andalusi companions and friends. There the ruler, 'Uthman Dey-May Allah have mercy upon him-took an interest in me and appointed me to the command of two hundred Andalusis, giving me the sum of five hundred *sultaanees*[297] and two hundred hand-guns and daggers plus whatever was necessary for a sea voyage…It was during the second half of August when there is no wind and the sea is calm. A terrific battle ensued in which many died on both sides. We were closely pursued until only a handful of us remained. We were captured after I was wounded. But truly, that day more than six hundred ofthe Enemy Unbelievers were killed, including more than twenty of their grandees. After seven years Allah released me from captivity and I made for Tunis where the ruler Yiisuf Dey sent me to join the garrison of the fortress of Halq Al Wadi (i.e. La Goulette). There I completed my gunnery studies by both practice and reading books in the foreign tongue [Spanish] on the subject, (ibid, 250-252)."

One of the more famous examples of former 'Moriscos,' is that of Jawdar Pasha. The reigning Sa'adi king of Morocco, Ahmad Al Mansur decided to search for Gold and decided that the Songhay Empire, located in present day Mali was the ideal target. In 1584 he sent a column of troops to

[294] Remember, this was the same fortress that was used by Khayr Al Deen to operate out of in 1504 for numerous *ghazawaat*, (Abun-Nasr, 148), indicating the location's utility to be used as a staging post for naval raids.
[295] This is simply more proof that a large number of Andalusi Muslims had lost command over the Arabic language.
[296] And also author of the authoritative book about the expulsion of the 'Moriscos' from Spain and their lives in the Maghrib after the expulsion, *Kitab Naasir Al Deen A'la Qawm Al Kaafireen*
[297] Or Dirham. It was the name of the Unit of currency of the area

reconnoiter the location. In 1591 he sent Jawdar Al Pasha[298], and he was an Andalusi from "Wadi Mansura [Almanzora] in the province of Almeria, (ibid, 405)," to conquer the Muslim kingdom of Songhay. Neverthless, he was not the first Andalusi to venture that south, but rather:

> "There were relations between the kingdom of Gao with Andalus [proven by] a document dated from the days of the Ummawi state when numerous*Ulema* from Andalus of the Nasrid kingdom of Garnata, one of them was Abu Ishaq Al Sahili, (known as Al Tawaijin[299]), (who was a famous scholar, a poet and was righteous), traveled to their lands [Gao], especially Timbuktu. He was from a righteous and wealthy household and was familiar with Garnata, and his father was a trustworthy perfume seller in [Garnata]. When Abu Ishaq departed from his land to Hajj, then he proceeded to the Kingdom Of Songhay[300] in western Sudan,[301] where he settled down and became highly influential and important with the Sultan of Songhay. He also built many *masajid* in Songhay such as Masjid *Junkorayber* in Timbuktu between the years 1130-1325 CE. He died in Timbuktu on Monday, 27 Jumadi Al Thani, 747 AH, (ibid, 404)."

As for Jawdar's campaign:

> "Jawdar crossed the desert at the head of 5,600 Andalusi and Maghribi forces, accompanied by 8,000 camels and 1000 steeds to capture the Kingodom of Songhay. Many of them died on the way there and they didn't reach there till 1591 with only 3000 men [!]. Askia Ishaq II[302] fortified himself against them in his capital, Gao, upon the river Niger. Whereas, Timbuktu was the cultural and commercial capital of the kingdom, where desert caravans from Sijilmasa stopped. On March 14th, 1591, the decisive battle of Tondibi began between the soldiers of Askia, armed with spears and swords, and numbering 40,000 men and the Magrhibi army, consisting of 3000 men, armed with firearms which were not known to the people of Songhay. As a consequence, Askia lost and Jawdar's army settled down in the land which was then merged with [the Sa'adi Kingdom of] Morocco, (ibid, 405)."

The Muslims from this army settled down in the area and married into the local tribes. As Dr.Katani describes:

> "The Andalusis and Maghribis settled down on the banks of the river Niger and married from the women of the land. They were the ruling class till 1660, and they made Timbuktu their government's capital. The Andalusis produced a privelaged educated class, married with some of them [local women], spread the Songhay language amongst themselves and maintained their Andalusi culture.

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298 He full name was Jawdar Pasha, (*pasha* was an Uthmani term which denoted the attainement of the rank of governor general)

299 الطويجن

300 The Songhay kingdom was located in West Africa, and its capital was the ciy of Gao. At a point in time in the 11th century CE, the Songhay state was only in Gao, and did not control additional territory.

301 By that it does not mean contemporary Sudan but Greater Sudan, which stretched from east Africa to west Africa. The Sudan extends in a band across Africa from Mali in the west to the western edge of the Ethiopian Highlands in the east.

302 Askia Ishaq II was ruler of the Songhai Empire from 1588 to 1591. Ishaq came to power in a long dynastic struggle following the death of the long-ruling Askia Daoud. Sensing the Empire's weakness, Moroccan Sultan Ahmad I al-Mansur Saadi dispatched a 4,000-man force under the Andalusi Muslim Jawdar Pasha across the Sahara desert in October 1590

> And after the assault of the Tuareq [Tuareg] tribe upon Timbuktu in the 19th century CE, they [the Tuareg] expelled the majority of Andalusis from Timbuktu. There was a tribe called 'Al A'rmaa,' (or 'Army' in the Aljamiadio [Al Ajamiyya] and Spanish languages), in one of the regions of Timbuktu. With the years, the tribe of Al A'rmaa lost its influence in its region, but they preserved a lot of their Andalusi habits in their food, drinks, dwellings and many Spanish words from their Andalusi language have entered the Songhay language, (approximately, 40 words)…
>
> After the passing of the years, many Timbukti Andalusis traveled to neighbouring lands,especially Niger, Senegal, Mauritania, where some Andalusi families are present, and from these are those who have not lost their disant memories [of Andalus], (ibid, 405-406)."

As for Jawdar, new evidence has emerged from the Morroccan Embassy in London. It turns out that Jawdar, (or as he is listed in the Moroccan Embassy records, Qaid Jawdar Bin Abdullah), was "…identified as the victor of the expedition to Timbuktu. And he is described of being Portugese of origin, (Harvey, '2005,' 345)." This contradicts what we know of him being from Al Mansura, but then this might simply be an innocent misidentification, as would have been common with many Moriscos, when they arrived in the *Maghrib* and elsewhere. The reason why people had not found out about Jawdar previously, is that some transcribed his name wrong in Arabic, and confused the '*daal*' for a '*raa*' and therefore he was listed in 'Jawrar'). Reports of the reputation and exploits of Jawdar still survive in copies of the *London Gazette* from that time.

Another famous immigrant to Tunis was, ofcourse, Ahmad Bin Qasim Ibn Ahmad Ibn Al Faqih Qasim Ibn Al Shaykh Al Hajari Al Andalusi. He was born in 1569/1570 CE in the village of Hajar Al Ahmar at the time of the Al Bushra *jihad*. He was born a Muslim and practiced his Islam secretly, while outwardly acting as Christians would. He also lived in Madrid for a period, later in his life, before coming the Tunis. In 1599, we learn that his father lived in Ishbiliyya. He mainatained contacts with influental figures in the *Maghrib*, while in Spain, such as the Qa'id of Asilah, Muhammad 'Abd Al Kareem Ibn Touda. In *Kitab Naasir Al Deen*, Al Hajari tells us that he was approached by the Archbishop of Garnata due to his knowledge of Arabic, as they need to translated the 'Sacromonte Lead Books,' in 1597. The Sacromonte texts were a forgery concocted, (most probably by the traitor Alonso de Castillo, as perhaps a form of propaganda aimed at Muslims), in 1588 by a Muslim author(s) which were written in Arabic. They dealt with Christian prophecies and were paraded as the words of John the Baptist. It was perhaps hoped that these forgeries would aid in converting obstinate Muslims. Due to the official statues and payment he received from the Spanish government for his work, he was also given latitude, and was allowed to speak Arabic, (speaking Arabic was banned in Spain at the time). Muslims that met him were suspicious of him as Al Hajari describes, (this is from *Kitab Naasir Al Deen*, from p. 81):

> "After greeting them in the customary way I opened the book. But when they saw that it was written in Arabic they became extremely afraid because of the Christians. I told them: 'Do not be afraid. The Christians honor me and respect me for my ability to read Arabic.' But all the people from my town thought that the Christian Inquisitors who used to sentence and burn to death everyone who manifested his adherence to Islam in any way, or was reading the books of the Muslims, would condemn me as well. Driven by this extreme fear, the Andalusis used to be afraid of each other. They only spoke about religious matters with someone who was 'safe,' that is, someone who could be trusted completely. Many of them were afraid of one another. Some of them, who would have loved to learn something of the *Deen* of Allah, did not [even] find anyone to teach them. After I had decided to emigrate from that country to the

> country of the Muslims, I used to teach every Andalusi who wanted to learn, both in my own town and in ther other towns I visited. Thus, when the Andalusis saw in what situation I found myself, they used to say to each other: 'He will certainly fall into the hands of the Inquisitors!' This situation developed to such an extent that when I stopped by a group [of them] to have a talk, I saw that every one of them slunk away, until I was left completely on my own…(Harvey, 2005, 280)."

After spending two years translating the books from Arabic to Spanish, Al Hajari decided the time had come to make *hijrah* to Dar Al Islam. He landed at the Christian stronghold of Al Jadeeda [Mazagan] on the Moroccan coast. He then proceeded towards to Azammour and then onwards to Marrakesh, where he arrived at the already mentioned, Sa'adi Sultan Ahmad Al Mansur's court on Eid Al Adha on the 4th of July 1599. He was was offered a job in the Sultans court but refused and went on to work as a secretary and Spanish translator for Mawlaay Zaydaan, the Sa'adi ruler of Marrakesh, (and son of Al Mansur). Under Mawlaay Zaydaan, he was sent to France and other European countries, (such as the Netherlands as it was the enemy of Spain, and thus, the enemy of my enemy is indeed my friend!), as his ambassador and to facilitate the movement of Andalusi Muslims out of Spain and to ensure their well being at the key transit point of Marseille, France.

In 1634, he decided to leave his political career in Marrakesh and move to the port city of Sala, (notorious for its brave naval mujahideen fleets that harassed the *kuffaar*), and started making translations for use by the Andalusi Muslims living in the *Maghrib* that knew only Spanish. Some of the books he had translated were Qadi Iyad's *Kitab Al Shifa fee Ta'reef Huqouq Al Mustafa*, (which Hajarhi only partially finished in 1634). He decided to then perform *Hajj*, subsequently arriving in Egypt in March 1637. He continued his research work over there, only then to leave for Tunis in September of 1637 where he met with Ibrahim Bin Ahmed and proceeded to translate his 'Manual de Artilleria,' and subsequently died. He was ofcourse tainted by the fact that he chose to work under the rebellious Sa'adi kings which rebelled against Uthmani territory.

Having already briefly mentioned the Andalusis of Sala, it is only fitting to properly introduce them. The Muslim refugees from Andalus that had arrived after the expulsion of 1609 CE settled on the mouth of Wadi Abu Raqraaq, (or known otherwise as 'Bou Ragrag'), founding two settlements. One of these settlements was on the norther bank of the river at the town of Sala, while the other was to its south based around the Wadaya castle in Rabaat. These two areas constituted the 'Republic of Abu Raqraaq.' The Andalusis, "formed a self-governing community, ruled by an elected governer who held office for a year with the assistance of a *diwan* [council/*shura*] of elders, (Abun-Nasr, 221)." The Andalusis here, with the deep hatred of the *kuffaar,* and especially of the Spanish, became reknowned for their daring raids on the Spanish ships that moved the Straits of Gibralter. In fact usually, the naval *mujahideen* based at Sala sailed out "…800 km, and on some occasions reached the English Channel and even Ireland, (ibid)." Due to the exploits of the Andalusi *mujahideen*, Sala and Rabat became the most important centers for carrying out the naval jihad against the Spanish and other *kuffar* powers in their area.

However, we must not make the mistake to think that Muslim reverts were not part of the *jihad* against the *kuffaar*, (be it on land or sea), as that would be incorrect. In fact one of the more famous examples of Muslim reverts that were naval *mujahids* is the example of Murad Ra'ees the younger, (or as he was known when he was a Christian, Jan Janszoon), who was originally from Holland, and had converted after being captured by the naval *mujahideen*. He sailed as part of the Uthmani navy in Algeria and mounted numerous naval raids upon *kafir* shipping and military ships and would later operate independently out of the port city of Sala in Morocco. He not only terrorized

the *kuffaar* in the Mediterranean but also upto the English Channel, Ireland, Iceland and Holland itself! The most famous example of a Muslim revert is of Suleyman Al Ra'ees, (his Christian name was Salomo de Veenboer), who was another Dutchman who came to Algiers originally for the sake of piracy, but soon willingly converted to Islam. He too participated in daring raids in the English channel, while in command of his own fleet, under the aegis of the Uthmani navy.

Moving along, one of the most easily seen traces that remain of these Andalusis is their surnames. Examples of these would be the "…Spanish-sounding family names, such as Pasquale, Blanco, Giorgi or Morishco, have resisted assimilation into more Arabic forms until today, (Rivers)." Other examples are names such as Castillo or Lopez. The interesting story about these names is that they have mutated in quite a few cases into a mutant form that is neither fully Arabic, and can be easily identified as foreign. For example, Alot of people in the Maghrib, of Andalusi extraction, have the surname, *Zbiss*. It turns out, due to the different vocalitation of the name in the *Maghrib*, it actually represents the very Spanish surname, *Lopez*. As for Andalusi family names, using the example of Meknes, Dr. Katani gives a few names of famous Andalusi families of the city:

> "And in Meknes, Andalusi families included: The Al Waqad [family], [who] moved to Fez [Fas] from Seville in the middle of the 7th AH [15th century CE], and then subsequently moved to Meknes. [Then there is] the Bajeeri family, who are well known by people due the scholars the family has had; also the Ghareet family, which has appointed numerous Alawi[303] kings and many glorious poets. Other families that are mentioned in the personal register [*Diwan Khaas*] of Sultan Mawlaai Isma'eel[304]: Ibn Ibrahim, Ibn Haleema, Ibn Haaj, Ibn Abd Al Kareem (from Malaqa), Abu Rikha (from Garnata), Azweezar, Anfa', Al Azraq, (from Seville), Amsamah, Asqaal, Al Ashqar, Al Bajeera, Booraas, Al Baarou , Al Butooli, Al Bayani, Barquq, Al Biyad (from Balsh Malaqa), Jabir, Jazmawi, Al Daqyouq, Al Zanati, Tooja, Kadeesh, Al Lamtuni, Al Mustasi, Al Sifaar, Sofondala, Al Garnata, Al Ghamari, Al Fakhaar, Feediqa, Al Qarlos[305], Al Qalaft, Al Qabri, Al Qibab, Al Qasri, Al Shibliyoon, Haroon, Waqaad and others, (Katani, 394)."

In the Spanish territories in the Americas, there are abundant traces of Muslim influences today that either stem from Muslims arriving in those areas during the colonial period, or perhaps, more curiously, <u>prior</u> to Spanish colonization of the said areas. The presence of Muslims in Mexico during the Spanish occupation is proven by the fact that Muslim prisoners "…were employed in the construction of the castle of San Juan de Alloa [Ulúa**]**, in the harbor of Vera Cruz, Mexico, (Bourke, 87)," in 1565. Morever, during the 18th and 19th century Mexican society, there was the institute ion of night watchmen, or *sereno*. They got their name since they used to call out across the town if there was fine weather, ('Sereno' in Spanish). However the way they used to intone this call was strikingly familiar to the call of a *muadhin*, (one who calls to *Salat*/prayer). In fact it has been said by one author that "The cry of the meueddin [*mu'adhin*] (of Tangiers) is precisely like that of the Spanish *serenos*, who must have learned it, as they did so many other things, from the Moors [Muslims]—a long chant on one note, sometimes shortened, sometimes prolonged, (ibid, 96)." Perhaps the Muslims that came with the Spanish army succeeded in some aspects of their *dawah* work, or perhaps this is evidence that the Muslims in Mexico were able to freely practice their *deen* and had established the

303 This refers to the Alawi dynasty of Morocco that have ruled Morocco from 1666-present day.
304 Sultan of Morocco during the Alawi dynasty's reign, (which still reigns today), from 1627-1727. His full name was Mawlaai Ismail Ibn Sharif Ibn Nasr.
305 Notice the obvious Spanish counterpart to this Arabic surname: 'Carlos'

adhan in the area, therefore leading to the non-Muslims of the area to take up the practice. And Allah knows best.

Moreover, certain words survive in Mexican Spanish such as '*Ojala!*' which translates as 'I wish' or 'I hope,' in contemporary Spanish, but in older Mexican Spanish, it translates roughly as "If God Wishes." Its roots are from the word *Insha'Allah*, which in Arabic means "If Allah Wills," (ibid, 112). Additionally, another Mexican Spanish word, *Dios solo sabe* (which means 'God only knows'), is almost positively from the Arabic formulation, *Allahu A'lam*, which means '[only] Allah knows/ Allah knows best,' (ibid). In other places, such as the legal system of Mexico, (in the 19th and 18th century), Muslim influences were seen that arrived as part of the Spanish legal system such as the naming of Mexican judges as *alcalde*s or *Qadi's* and the naming of governors *alguazil*, (*Wakeel*), or *sherife*, (or *Shareef*/noble), (ibid, 114-115).

Furthermore, numerous Spanish sources continuously mention 'black slaves' which were purchased by the Spaniards in Mexico, as, "…for most Spaniards the presence of Africans and persons of mixed racial descent would have been a familiar element, if not from their hometowns then certainly from the time virtually all emigrants spent in Seville before departing for the Indies, (Altman, 437)."This could only mean slaves from either Spain itself or from Spain's African colonies. If they were from Spain, they were undoubtedly Muslims, which is also the case if they came from Africa. As one researcher describes:

> "Black slaves were everywhere in early Mexico City. They almost invariably formed part of early mining operations and transport enterprises, working with Spaniards or under their supervision. They served as personal servants and housekeepers, in artisan shops, and under merchants, encomenderos, government officials, and entrepreneurs of all descriptions, (ibid)."

However, even more pertinent is the fact that direct proof of Muslim prensences exists in the Spanish slave records:

> "Numerically morisco [Muslim] slaves in Mexico were insignificant. Most were women who brought higher than usual prices…One reference to a morisco [Muslim] slave appears in records of 1540, when the encomendero Pedro Nunez de Roa arranged to have him brought from Seville. The origin of moriscas was sometimes recorded. One was identified as being from 'Berberia,' [*Maghrib*] another from "Oran" [Wahran] (both in 1528), and they were often called 'white slaves.' A 1551 record in which a slave named Ana was sold for 270 pesos, however, describes her as a 'negra atezada, de tierra de Berberya[306],' (ibid, 439)."

Other well known examples of Muslims, or 'Moriscos' in Mexico as people such as Cristobal de la Cruz, who was born in Algiers, and at the age of nine or ten, he was captured by a Spanish naval force, taken to Spain and baptized. Thrity years later, in 1660, he presented himself in front of the inquisitional authorities in Veracruz, Mexico "…claiming to be afflicted by doubts about the Catholic faith, (Cook, 63)." One might wonder, if he was really having doubts, why would he announce them to the inquisition. Logically, it wouldn't make sense, (due to the possibility of a heavy punishment—even death—being inflicted upon him) and thus his action would only make sense if he believed that he had been compromised and that perhaps his covert practice of Islam could have been found out. Due to this and the fact that the Mexican inquisitorial authorities, "…To encourage renegades to return to Catholicism…issued a number of edicts of faith. During the ensuing

[306] "[of] very Dark brown/bronze [complexion], from the land of the *maghrib*"

periods of grace, individuals could denounce themselves and be absolved with only minor sentences. It was perhaps in response to one of these edicts of faith that De la Cruz denounced himself before the Inquisition in New Spain, (ibid, 65)." Cleverly, De la Cruz took advantage of loopholes in inquisitional policies that his brethren had taken advantage of for almost a century in Andalus, (after the forced conversion in 1520). Credence is added to this as "De la Cruz had denounced himself to the inquisitorial tribunals in Barcelona in 1653 and in Seville in 1655. In both cases he was given minor sentences and was removed from the galleys where he had been a slave, (ibid, 66)." He was a professional when it came to dealing with the Inquisiton. During his trial, his showmanship was tremendous as not only did he make himself out to be a penitent Christian, but at the same time was questioning the inquisitors their belief in Christian falsehood. One could say with ease that not only was he protecting his Islam, but giving *dawah* at the same time! As an example, during his first hearing on May 8th 1660, De la Cruz said:

> "Since they say the Lord God is so powerful, how could He enter the body of a sinful and bad man" through the Eucharist? He said he believed this to be "impossible, since He is so good, to enter into the body of a sinful and bad man." Similarly, in terms of penance, De la Cruz wondered how a confessor or a priest could "pardon him his sins and remove them, being a man like himself and subject to sin." Concerning the Mass, De la Cruz expressed disbelief that "a sinning man such as the priest, so subject to sin like this confessant, can with the words that he says convert bread into the body of our Lord Christ and the wine into his blood, that he held this to be impossible." De la Cruz then claimed that on several occasions, while hearing Mass, "he would ask himself why God would descend for those words that the priest says and why all the turns and benedictions performed by the priest were necessary, (ibid, 66-67)."

De La Cruz's pervious two times of confessing to the inquisition in Spain are equally interesting. During his hearing in Mexico he describes his previous interactions with Muslims:

> "…De la Cruz was accused of having apostatized eight years after being baptized, in order to "live as a Muslim," which he did for ten to twelve years. The prosecutor's formal accusation related how, in Madrid, De la Cruz ate meat on Good Friday as the guest of a Muslim woman and in the company of other Muslims. De la Cruz told them he "renounced God and the holy Catholic faith and the Holy Mother, and that on another Good Friday he had told the Muslims, while making fun of the penitents, that they were brutes who spilled their blood for the piece of wood [the 'Cross'] that they carried there, and that he renounced this and all the teachings of the Catholic faith… (ibid, 72)."

He describes another incident in 1652, when he was a slave on a Spanish ship:

> "…De la Cruz told a Christian on the ship that "he renounced him and his law [Christianity] and the ladder of Christ." De la Cruz then allowed his hair to grow in a style attributed to Muslims. He managed to live as a Muslim during the course of six months, before being reprehended by a friar and other Christians on the galley and returning to Catholicism…(ibid, 73)."

During his first trial in Barcelona in 1654, De la Cruz described the hardships and beatings he faces as a slave and also added the encouragement of Muslims on board and his resolve to maintain his Islam inspite of hardships and beatings:

> "…Muslims [aboard the ship with him] encouraged him to let his hair grow thus [with a copete], and asked him why he did not say that he was one, to which this accused responded that he did not dare to declare himself a Muslim, even though he wanted to, for fear of the Inquisition…Finally, however, De la Cruz confessed…[that he] returned to Islam, saying, "Come what may, even if they hang me or burn me, it is better to die in one law than to live in many. I want to be a Muslim. And with this he left his hair in this fashion, (ibid)."

His testimony to the Mexican inquisition is fascinating as it illuminates a number of facts that many historians have seemed to miss in their research. For instance, De la Cruz describes his encounter with a practicing Muslim, (not a Morisco, as De la Cruz clearly states the man was not baptized), in a town in the Domican Republic, (*santo domingo*):

> "He related the experience of meeting on the island of Santo Domingo a Muslim named Abderhaman, in whom he confided his thoughts about Catholicism. De la Cruz claimed to have spoken with 'a Muslim who was not baptized who was there [in Santo Domingo] as a cook on a ship that was in the port called Jesus María, and the said Muslim replied that if he had these doubts, why had he become a Christian?' (ibid, 67-68)."

This is indisputable proof that practicing Muslims were present in the Americas during the 17th and 16th centuries. As for De la Cruz, he apparently also had contact with the naval *mujahideen* based in *maghrib* until he was detained by the Spanish once more, (and to had to 'denounce' himself to the inquisition in Ishbiliyya in 1655). Whats more he admits to the inquisitors that he practices Islam and the method by which he would practice:

> "De la Cruz admitted to the inquisitors that while he was sailing between Cadiz [south western port town in Spain] and Santo Domingo, he would often 'fall into the habit and custom that he had of observing' Islam by invoking Muhammad and God and praying 'in the language of Muslims.'Several of the invocations that De la Cruz mentioned were recorded and translated into Spanish, such as"*Mehamet* and *arçolha*, which mean in the Castilian language 'Muhammad close to God,' *abdelcadher*, which means 'powerful one, remember your servant,' [and] *abdelcadher xilale*, which means 'do not forget it.'"…When shown the portion of his confession referring to the prayers in Arabic, De la Cruz corrected the inquisitors, saying that he did not invoke Muhammad by saying, "Mahamet and arçola because that is incorrectly written, but by saying, *Laila ulala mohamat uhuersolala* [*La Ilaaha IllAllah Muhammad Al Rasool Allah*/There is no deity worth of worship but Allah, and Muhammad is His messenger], which in the Castilian language says 'Muhammad close to God,[307]' and that he called on and invoked Muhammad, believing that he was a true prophet and powerful to free him of his tribulation and the cares in which he found himself, (ibid, 68-69)."

De la Cruz continued by describing how he was doing his *wudhu*, (ritual ablution), to perform the *salat*/prayer:

> "De la Cruz then described another event that occurred while he was sailing to Santo Domingo. He recalled that "sometimes when it was calm, the soldiers and sailors and this confessant would also swim in the sea, which he did with the intention of doing the *çahala* [*Salat*/prayer] [and] bathing in the way that is customary for the Muslims . . . although this

[307] This is ofocourse blatantly wrong on the part of the inquisitors, and is indicative of their mediocre Arabic skills.

bath should be done in water that is fresh and not of the sea…De la Cruz noted that he had had to be careful when performing the ritual ablutions in public "because those soldiers and sailors are so skilled and accustomed to seeing Muslims and renegades, [that] he did not do those ceremonies because the said sailors and soldiers could not help from seeing him, (ibid, 70)."

Curious, the inquisitors asked him to explain in detail:

> "He stated that at about ten o'clock that morning, he was standing by the stove watching the swimmers and "thinking about nothing in particular when one of the swimmers asked this confessant 'maestro Cristóbal, why don't you throw yourself into the water and remove the grease' but that this time this confessant did not throw himself in." However, after everyone had finished eating their meal they began to swim again, at which point, De la Cruz gave in and joined them. Once in the water, he began to wash himself, "without saying anything and with neither malice nor intention of stopping being a Christian, nor any other thought other than washing himself." While he was in the water, several of the people swimming with him began to reminisce saying, "Hey Cristóbal, we remember the old times when we did the *zahala* [*Salat*]," to which he exclaimed, "Leave me with a thousand devils [i.e. leave me alone]! You think you are still in Algiers." However, soon after this exchange he claimed to have bathed again, this time "with the desire to be a Muslim . . . and saying while washing himself, in the *Aznata* [Zanata/a Berber language found in the *Maghrib*] language, which in Spanish means the Arabic language, *abdecader silali*, which means 'powerful lord remember me,' and in this way he did the çahala [salat]." De la Cruz then added that by performing the zahala [salat] and ritual bath, "the Muslims believe that they are freed of their guilt" and "undress themselves of the character of baptism" if they had been baptized, (ibid, 71-72)."

Well known examples of slaves in Mexico such as Juan Garrido[308], (who was bought as a slave by the Portugese from Africa to Portugal), Juan Valiente[309], (a Spanish slave from West Africa, perhaps even the *maghrib*?), and other such slaves are stated to have been Christian. However, as we well know, Muslims had become experts at concealing their faith over a century or more, and it likely that if these men were Muslim, they practiced Islam secretly. Other examples of Muslims in the Spanish territory of Mexico were Muslim women such as Maria Ruiz:

> "…a Morisca born in the town of Albolot in the Alpujarras [Al Bushra] mountains of Granada [Garnata], denounced herself before Mexican inquisitors [in 1594]…Ruiz had been residing in Mexico City for approximately ten years, where she was married to an 'old Christian.' During her trial, Ruiz described her religious practices on both sides of the Atlantic that included praying in Arabic and invoking Muhammad. Other cases suggest how knowledge about Islam circulated in Spanish America. In 1605 a "man called Zarate" was accused of saying that on Judgment Day, Muhammad would sit at Jesus' feet and revoke the sentences he did not agree with. In 1614 a fisherman named Diego was overheard praising Muhammad and his Paradise. In 1616 Pedro Hernández, who was reputed publicly to be a Morisco, rebuked someone's greeting by stating, "In this house we do not say 'Praise Jesus' but rather good evening." In 1651, Anton Rosado, a slave in Mexico City and the son of a

[308] He was probably captured in either congo or Guinea. Evidence points to the fact that it is "…likely that he was a Morisco [Muslim], (Gerhard, 452)."

[309] He was also a Spanish conquistador.

Muslim woman from the Philippines, was accused of renouncing God while being abused by his master, (ibid, 78)."

As for South America as a whole, Muslims were certainly present there as has been demonstrated. However, what are the influences of Muslims or Islam on these societies? Prof. Katani has this to say:

"After the fall of Garnata, and the discovery [of the 'New World'/America and Central America] Muslim Andalusis emigrated to the Americas with the raiding [Spanish] armies, and fled from the inquisitorial courts. However, they discovered similar [inquisitorial] courts in the Americas. The first of the Moriscos to arrive in North America was Rodigro De Lepe, a friend of Columbus', who announced his acceptance of Islam after he returned to Spain, and 'Estevanico de Azzmour,' was a Spanish general who conquered Arizona, and he was, in reality, a Morisco.

And upto our time the traces of Andalus are present all over South America. And the Islamic traces of Andalus in Venezualan written culture…the most important of which is the works of the Venezualan writer Don Rafael Donqalas y Mendez (born 1878 CE), who was proud of his Islamic roots in his compositions [books]. And still there are many Venezuelans are proud of their Islamic Andalusi origins.

There are also Columbians who pride themselves of their Islamic Andalusi roots. And in the 19th century CE, there arose Columbian experts in the field of Islamic Civilization…And when the Church's authority weakened over the lands after their independence, there arrived bravery in some of the book to show pride in Islam and its civilization, and from them are those that learnt Arabic and its literature, the most famous who is Don Jose Rufino Quarvo.

And the Islamic Andalusi heritage/legacy and architecture entered Peru and Ecuador, just as related in their books, such as the story of a major Peruvian writer, Don Ricardo Vilma Altiv, distributed under the title "performing good without hesitation" where he took up the merits/basis/fundamentals/principles of the life of Ameer Ibrahim, who was the grandfather of the Ummawi *ameer*, Marwan the second. The story is based upon the greatnessof tolerance and generosity that led to him forgiving the man, who was his guest, despite the discovery that he was his son's killer. And today in Peru there is an inclination for Islam, as the same is the case in Bolivia as well.

Islamic Andalusi civilization has affected Chilean literature, as is shown, for example, in the heritage of Chilean books of Don Pedro Prado who popularized Arabic rhyme [patterns] in Spanish poetry, and he released in 1921, collections of poems [Divans] under the fictictious Afghani name "Radhaee Rooshaan," to the point where numerous arabic stories are a part of the heritage of the Chilean people.

And the Portugese forbade Andalusi Muslims to immigrate to Brazil, when the Portugese occupied it in the 16th century CE. Inspite of this forbiddance, many Andalusis sailed and arrived in Brazil, with their knowledge of the sea and navigation. Just as the Andalusis of the western region (South Portugal), were secretly immigrating to Brazil, the Portugese government establish Inquisitorial Courts against them [in Brazil]. In the year 1594, the Inquisitional authority of Bahia released a publication in which clarified in it, the signs of hidden Islam [Crypto Islam], and from those were:

- [excessive] washing and hygiene, especially on Friday
- Rising early [for Fajr]
- Fasting
- Clean clothes

Those courts and burned many of the victims on charges of Islam. And today there are families in Brazil who are proud of its members that were of Andalusi origin, and preserve in their houses the Qurans inherited from their ancestors, generation after generation. And from them are those who embraced Islam, perhaps giving birth to these Islamic groups, especially in Sao Paulo.

The Andalusis emigrated to the areas of modern day Argentina, because of the persecution of the Church and State and nothing remaind of their Islam except the memories of being proud [about Islam and being Muslim]. As did the author of the late nineteenth century Domingo Sarmiyanto, who was proud of his Islamic descent as a descendent of *Bani Al Razeen* of Eastern Andalus. And many believe that the Gaucho cowboys of the steppes of Argentina are of Andalusi decsent and mantain many firmly established Islamic values.

Andalusian culture influenced many of the Argentinian writers such as Henrique Larreta, who wrote about the life of the Andalusian days of King Philipe II in his book, "Don Romero's victory," and the writer Gonzales Valencia in the story "Mark of The Lion," and others.

…and one of the most important members [of the Islamic Andalusi Argentinian group] is a member of the family of "Mawlaai," descended from *Bani Ahmar*, who protected their Islam generation after generation in Al Andalus and emigrated to South America, and then declared their Islam, (Katani, 418-420)."

In fact, during the 19th century CE in Brazil there was a massive *jihad* organized by Muslims slaves from Mali in Brazil. To be precise, in 1835 CE, Yoruba and Hausa African Muslim slaves bgan their *jihad* against the authorities in the North eastern province of Bahia. In fact, there had been a continuous stream of revolts and *jihads* from the 1800 on to1835 on the part of the Muslims, with not just common Muslims taking part, but scholars and Ulema from amongst the slaves. However, Brazil was not the only place with Muslims in it waging jihad against he kuffaar, but the same happened in Guyana, Suriname and, (according to quite a few scholars), in numerous North American colonies.

To emphasize the presence of Muslims in Brazil, there was a letter sent by the French Ambassdor to Brazil on September 22nd 1869 that "…the French booksellers Fauchon and Dupont used to sell every year in their shop in Rio de Janeiro almost 100 copies of the Koran. Although very expensive (36 to 50 French francs), the book was bought almost exclusively by slaves and ex-slaves, who had to make great sacrifices in order to acquire it. Some of them bought the book in instalments, and it took them one year to pay for it. As the Korans were written in Arabic, Fauchon and Dupont also imported Arabic grammars with explanations translated into French, as these slaves and ex-slaves wanted to learn the language in order to read and understand the holy book, (Silva, 83)." Remember these book were in Arabic, so presumably the customers buying it would know how to

read it. This supposition is proven as Fauchon and Dupont also imported Arabic grammar books as well.

As for North America in particular, it does not come under the purview of this study as, a heavy presence of Muslims started occurring in the 18th century through the Middle Passage, when thousands of Muslims slaves were sold intoslavery and taken to various locales in Europe, but mostly to America. Due to the great need of labor, these slaves were in high demand, and they continued to flow due to either intertribal warfare in Africa, wherein the victor would sell the losers into slavery to generate a profit, or by way of direct enslavement by European crews off the coast of countries like Mali and Congo.

Before we proceed any further, let me be clear, I only strove to write this section to set the historical facts straight and it should not be misconstrued as, in any way, an encouragement for Muslims currently living in *dar al kufr*, (especially in the west), to find their 'roots' in the countries of residence, as countless Muslim scholars ask us to do, (one of them happens to be one of my sources for this essay). *Kufr* is *kufr*, and *hijrah* away from it is a duty for the one that has the means and knows how and where to go.

As for the final question, if there were Muslims left behind in Spain after the expulsion, then there were surprisingly many cases. Setting aside those Muslims who had apostasized completely, many Muslims, who had either escaped expulsion or were those Muslims who had been retained to train Christian workers, were locked up by the Inquisition just after the expulsion if they were found to have been showing signs of Islam. One example of this is Geronimo Buenaventura, who was "…described as a Morisco of Alcaneta in Valencia, (Lea, '2001,' 390)." He was condemned to death by *Auto de Fe*, (which is to burn someone to death in the middle of the town square), in 1635 and remained in prison awaiting his *auto de fe* till 1637. In May of 1638, he was finally executed, almost twenty years after the official expulsion of the Muslims from Spain. Even further still, in 1649, the Inquisatorial authorties of Valencia caught and prosecuted Muslims slaves that were attempting to escape to the *Maghrib*, (ibid). Moving to Qurtuba, on December 2nd 1625, the inquisitorial authorities there arrested a *renegade* [a Christian that had converted to Islam], Francisco De Luque. According to the record of the inquisition of Qurtuba, De Luque was a naval *ghazi* who had either operated privately as part of a crew operating from the *Maghrib*, or as part of the main Uthmani fleet. Apparently, he had also gone to Makka and made Hajj! (ibid). In 1655, there was one Muslim woman that was caught and prosecuted and her name was Talfa. She was a slave of Christians and was accused of trying to run away to the *Maghrib*, (*Dar Al Islam*). In Barcelona, on June 21st, 1627, three *renegades* were caught and prosecuted. It must be remember that Barcelona was taken prior to the 14th century and the inquisition had been operating there since 1484! In Madrid, where the *auto de fe* was a grander affair than anywhere else, on June 30th, 1680, there was only one Muslim present. He was a Lazaro Fernandez, who Muslim name was Mustafa, (ibid, 391). He had conveted to Islam and sailed as a naval *ghazi* in the Mediterranean and perhaps further afield. In the end, he did not repent and paid with it for his life and attained *shahada*, by the Will of Allah, at the hands of the vile Christians of Spain. In the *auto de fe* in Toledo, on April 7th 1669, there was a Muslims slave present who had worked in the mines. His name was Francisco de la Candelaria, and his Muslim name was Sulayman. His crime was ridiculing the Christian sacraments[310]. He got let off with a 100 lashes,

[310] A sacrament is a Christian Rite that mediates Divine grace. In other words, they signify God on earth. These consist of. (usually):

- Baptism
- The Eucharist (Communion)

(ibid). Looking at the overall figures for a number of regions during the period, that during 1648 to 1794, there were only 5 cases of people being accused of practicing Islam, (ibid, 392). In 1703 to 1820 in Madrid, there was only one person accused of practicing Islam, and he was a convert, (from Christianity to Islam). It must be understood that even till the 18th century CE, we see traces of Muslims, (Andalusis and not slaves brought in from Spain's African holdings), in Spanish society. In fact in 1727, a meeting location for Muslim and possibly a repository for Islam books was found and shut down, with all involved arrested. One of those possibly involved with this was Ana Del Castillo, and she was given a life term for imprisonement, on March 4th, 1731. More astonishing still, was the report from the Inquisition in 1769, that they had "…verified the existence of a mosque in Cartagena, maintained by the New Christians, (ibid, 393)." There are even reports that some Muslims were appearing in front of the inquisition till 1820, (when the inquisition was disbanded).

And thus ends our tale of the destruction of Andalus and its Muslims. However, and more importantly how does this impact us today?

- Matrimony
- Holy Orders
- Confirmation
- Penance and Reconciliation/confession
- Anointing of the Sick

Chapter 6:

Connecting The Past To The Present:How Does Andalus Apply To Us Today?

Centuries have passed, nations have changed and yesterdays victors are today's losers and vice versa. After the loss of the Al Andalus, the first Islamic land lost to the *kufaar*, we, as Muslims, from the western most part of the Islamic Maghrib to the Philipines are humiliated daily by living under *kufr* law and being killed and slaughtered without end. Our rulers are traitors and our scholars have neglected their duty of inciting towards *jihad* and *hijrah*. How did it all come to this? What is causing these ailments and how do we fix it? To understand this, we must fast-forward from the 17th century to the 21st century and reach a point where we have a context by which to understand our world today in light of the crimes committed by the *kuffaar* yesterday and our cowardice and hypocrisy.

In 1639, the Uthmanis and the Safavids negotiated the treaty of Qasr-e-Shireen which delineated the borders between the rival powers, leading to a lull in tension between the two. Coupled with the failed siege of Vienna by the Uthmanis, the Uthmanis were forced to sign the Treaty of Karlowitz in 1699. The agreement ended the fourteen year long conflict between the Habsburg Empire, (i.e. Austria), and the Uthmanis, (along with the Uthmani war with the Poles which lasted between 1672-1676) and forced the Uthmanis to give up most of their territory in Hungary, Transylvania and Slavonia while Podalia was returned to Poland. Further north, the Russians had also negotiated borders with the Uthmanis by ratifying the Bakhchisaray Peace Treaty which delinated the Uthmani *khilafas* borders with Russia after a series of Russian attacks in the Crimea.

Events rapidly deteriorated further with the Uthmani *khilafa* declaration of war against the Russians in 1768. After series of campaigns, the Uthmanis lost due to Russian army and naval operations along with revolts breaking out in Egypt and Syria in 1771. War broke out once again with a joint Austrian and Russian army in 1788 and the Uthmanis lost once again, and as a result ceding the Crimea and numerous other northern territories to Russia. This was the beginning of the disamantling of the Uthmani *khilaafa* and one in a series of reverses which would ultimately destroy the Uthmanis.

Russia continued to harass the Uthmani *khilafa* by inciting internal revolts in its domains. In between the next war, the Crimean war broke out between Russia and the Uthmani Empire, (with a host of European allies such as France and the UK). The Uthmani coalition prevailed. Russia once again in 1877 declared war and once again it won and had successfully pushed the *khilafa* out of Bulgaria, Romani and Walachia, (and myEuropean nations were supportive of Russia in its success). Russia grew bolder still and launched an invasion of the Kavkaaz, (Caucus's), in 1817 in a protracted siege that lasted till 1864. The Muslims *mujahideen*, under the command of Ghazi Mullah, (a friend of the famous *mujahid* Imam Shamil), Gamzet Baig and Haji Murad led the *jihad* against the Russian occupiers. Imam Shamil was to follow in their footsteps as he became the leader of the *jihad* and Imam of Dagestan and Chechnya and led the fighting from 1834-1859, engaging in tactical gueriall war against the Russians, (as his descendants are doing uptil this very day against the same tyrannical

kaafir enemy). In the end the territories that were previously under Uthman control, such as Georgia, Armenia, Azerbaijan, Chechnya, Dagestan and Adyghe were now under Russia control and would remain so, in some cases, until this very day. The Chechens would face even more hardship under Stalin as he relocated the entire population of Chechnia to Siberiaon his suspicion that they were helping Hitler during World War II, (which is, in any case, untrue, as many Chechens were fighting against the Nazis and not with them). Many died and many were put to slave labor, only to be allowed to return back to Chechnya during the Kruschev era. Bit by bit Russia gnawed away at the northern territories of Islam , (and were not satisfied with this as they attempted to extend their sway deeper into the Muslim world with their invasion of Afghanistan in 1979), while the rest of the *kafir* world continued what they had been trying to do for four hundred years or more, and that was the subjugation of Islam.

In European affairs, by the end of the turbulent 17th century, European powers, (France, Britain, Spain and Holland), negotiated the Treaty of Utrecht in 1713 which ended the costly War of Spanish Succession and negotiated peace within the powers of Europe, allowing them time now to focus their energies elsewhere, (such as eastwards towards the Uthmani *khilafa*). As a result, Spain lost all of its overseas possessions except for the Philipines, Guam, Puerto Rico, its African possessions and Cuba. It would seem that the Christian powers of Europe were merely uniting further and burying their differences while the Uthamani khilafa and the Muslim world kept getting mired deeper into problems as a result of European unity and their own disunity. However, this analysis is only parly correct as the Major powers of the time had much to worry about, such as the American Revolution of 1775-1783 which sapped the resources of the British. Moreover, the British, (and the restof Europe), were waging full scale war on Napoleonic France during the Napoleonic wars of 1803-1815. Keeping in mind what was said earlier about the 18th and 17th centuries as the age of militant capitalist mercenaries, the 19th century was a period where the reigns were pulled back and control of these trading companies was taken back into state hands. This was the case with the East India Company in 1858, as the British government, from that point onwards, took control of the operations of the Company.

In newly independent America, the landmark Naval Act on 1794 was enacted, by which the US Navy as we know it today was created. The reasons for the treaty were actually due to Moroccan *mujahideen* harassment of US trading vessels in the Mediteranean. Just as soon as the treaty had been signed America deployed its navy to defend its shipping vessels against French pirates in what is known as the Quasi war of 1798-1800. In fact, Americas first real and declared war was against Muslims in 1801 in the form of the Barbary wars, which were waged against the Uthmani governerates of the *Maghrib*, (i.e. Morocco, Algeria, Libya). One of the major battles of this war was the Battle of Derna in 1805 CE where American land forces invaded the Libyan city. Consequently, Muslims of this city have never forgotten the Americans and have an undying hatred of them. In fact, many of the righteous youth of this city have come to Iraq in disproportionately high numbers to carry out martyrdom operations. The Americans negotiated a number of capitulations with the Uthmani governor and went away thus. However, *mujahideen* had time to rebuild their forces and since both Europe and American were once again occupied with their own affairs, and the governor of Algiers, Umar Bin Muhammad decided to declare war against the Americans a second time in 1815 to avenge the humiliation the Muslims had suffered in their prior defeat. However, this time around, it was not only the Americans they would fight, but a coalition which included the British and the Dutch. The *kuffaar* grew so bold that they bombarded the city of Algiers for 9 hours straight, imposed peace conditions on the Muslims, (one of them was to stop Muslims taking slaves, which in the case of a defeated enemy, is an Islamic right). Even in this loss, it is highly possible that the sons of Andalus not only fought the Spanish and their European allies, but were now even fighting the

Hubal of this age, (America)! As a result of these victories the European powers got bolder and started planning how to occupy these Muslims lands and eventually Algeria and Tunisia became colonies of France in 1830 and 1881 respectively, while Libya would remain in Uthmani hands till 1911, when the Italians launched an invasion of Libya to occupy it. In spite of the *mujahideen* of the *Sanusiyyah* and their heroic struggle against the Italians, under the leadership of Umar Mukhtaar, they were defeated in the end, leading to a protracted Italian occupation which lasted till the end of World War II. Morocco would be occupied jointly by the French and Spanish in 1911.

In the Philipines, the kuffar grew bolder, and the British had established a base in the Sulu Archpeligo in 1762, and it seemed that the rush to carve up Muslim territory had arrived in the Philipines. In any case, the *jihad* continued against the Spanish *kuffaar* with waves of *Istishhaadiyoon* attacking the Spanish fortresses. Here is an account of a raid carried out by the *mujahideen*:

> "During the year 1883, juramentados ran wild in the streets of Jolo and hardly a day passed that did not see Spanish soldiers killed by these fanatics. Montero, in his "Historia de la Pirateria del Mindanao y Jolo," preserves one incident for us:
>
> 'The second of July, 1883, three juramentados [*Istishhaadiyoon*] succeeded in penetrating the plaza of Jolo. They entered a Chinese store for the purpose of making purchases and when no one was looking, drew their krises and hurled themselves upon various officers who were seated at the door of the establishment. With the very first blow, Lt. Don Pedro Bordas of the Disciplinary Company was killed and Lt. Caledonio Manrique of the same company mortally wounded and died in a few hours. Dr. Juan Dominguez of the sixth regiment and a soldier of the guard were seriously wounded, the latter dying the next day. They further wounded another private and a corporal,' (ibid)."

No matter what precautions they took, (increased patrols or creating more checkpoints), the raids continued:

> "On one occasion a Moro [Muslim] entering the town passed through the guard in regular fashion, and upon leaving later in the day, drew out cigarettes to offer the guard as he was recovering his weapons. The guard was diverted from his usual vigilance by this offer and its watch relaxed for a moment. The Moro seized his barong [axe] and in a flash beheaded one of the guards. Two more guardsmen received fatal injuries and the fourth was crippled for life in that mad moment…(ibid)."

The Spanish replied back with merciless killing against civilian populations. However, the Muslims began quarelling with each other, and as a result, the *jihad* was losing its momentum. However, in 1898 the Spanish American war took place that resulted in a Spanish loss on the battlefield, and also in terms of its colonial possessions, (as it lost all its possession to the United States). The only possessions it chose to keep were it African possessions such as Ceuta and Melilla. In effect Spain left, but in return, the Muslims were now occupied by the Americans. They exchanged the old crusaders for the new ones. The Americans were undoubtedly more clever than the Spanish and thus did not only fight with their weapons but gave false promises to the Muslims of not interfering in their *deen*. They even managed to convince the Uthmani *khalifa* that the Americans were not looking to convert the Muslims. In return Abd Al Hameed II, "…issued a decree to the people of the territory, [Mindanao], to support the United States of America, which the Muslim population promptly accepted, (Bal, 406)." This might seem a strange stance from the *khalifa* that is

remembered for his famous stand on not giving Palestine to the Jews, but alas it is true, as after this decree, the *jihad* ground to a halt.

The allegories between the 'War on Terror' today and this war in the Philipines even apply to the tactics used as the Americans then decided not to fortify themselves at the old Spanish Fortress in Zamboanga but rather build a series of small enclaves deep in Muslim territory, (or as we would refer to it, Forward Operating Bases):

> "The American forces under the command of Captain S. A. Cloman, made no such mistake. The concrete block house was converted into a storeroom and the troops soon convinced the Moros that they had no intention of being confined to the stone walls of a fortress.
>
> Expeditions were conducted to all of the small islands of the southern group and American law made itself felt in districts never penetrated by Spain. Many islands were found where Moro children had never before seen a white man, (ibid)."

Americans seem to have learnt from their experience in the Philipines in their wars against Muslims across the world, as the tactics are eerily similar. As enticement fro Muslims to integrate into the American enforced legal system, they offered private land ownership to the Muslims:

> "Private land ownership was introduced, in order to help the Moros transition to a more individualistic society from their traditional tribal society. Each family was given 40 acres (16 ha) of land, with datus [nobles/*emirs*] given additional land in accordance with their status. Land sales had to be approved by the district governments in order to prevent fraud, (ibid)."

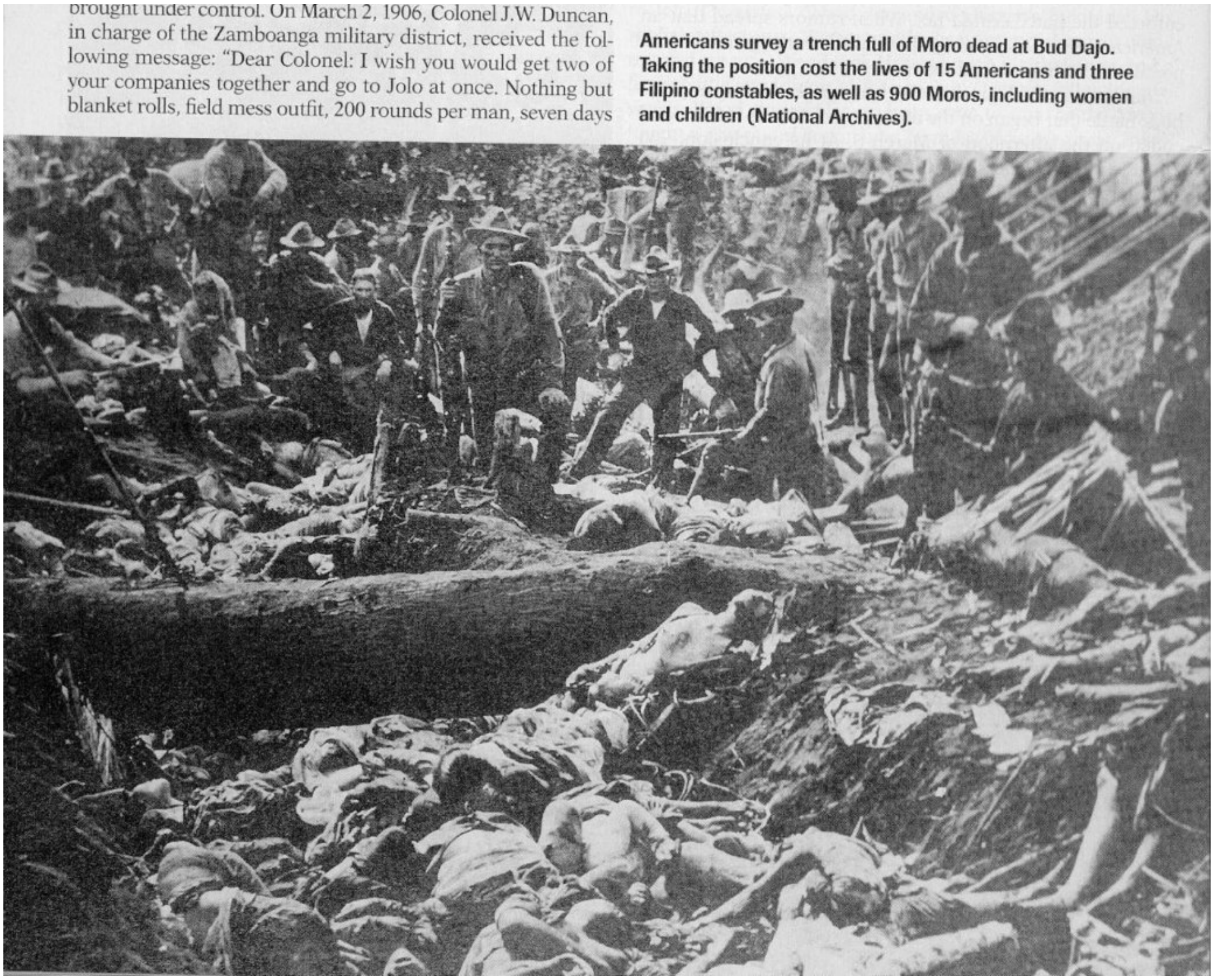
They even created an educational system, (based on the American curriculum ofcourse), where the English language was encouraged:

> "An educational system was established. By June 1904, there were 50 schools with an average enrollment of 30 students each. Because of difficulties in getting teachers that spoke native languages, classes were conducted in English after initial training in that language, (ibid)."

The Americans then went after their core speciality, and encouraged the Muslims to busy themselves in trade and the *dunya*, and to lay down their arms and end their resistance against he Americans:

> "Trade was encouraged in order to give the Moros an alternative to fighting. Trade had been discouraged by banditry, piracy, and the possibility of inter-tribal disputes between Moro merchants and local customers...Starting with a pilot project in Zamboanga, a system of Moro Exchanges were established. These exchanges provided Moro traders with warehouses and temporary housing in exchange for honoring a ban on fighting within the exchange...These Exchanges proved highly successful and profitable, and provided a neutral ground for feuding datus to settle their differences, (ibid)."

The Americans then proceeded to massacre the remnants of the *mujahideen* in the mountains in the battles of Bud Dajo in 1906 where approximately 1000 Muslims, (including many women and children), stood to resist the American forces. Only 6 survived the continuous machine gun and artillery fire on the peak. Here below is a trophy shot taken by US troops after their victory, (notice the sea of dead bodies):



brought under control. On March 2, 1906, Colonel J.W. Duncan, in charge of the Zamboanga military district, received the following message: "Dear Colonel: I wish you would get two of your companies together and go to Jolo at once. Nothing but blanket rolls, field mess outfit, 200 rounds per man, seven days

Americans survey a trench full of Moro dead at Bud Dajo. Taking the position cost the lives of 15 Americans and three Filipino constables, as well as 900 Moros, including women and children (National Archives).

Another tactic which is also similar today is that the Americans had no qualms about recruiting Muslim troops to fight the *mujahideen*, (a clear parallel can be drawn with the Awakening Councils in Iraq). They came to be known as the Philipine Scouts:

> The organization of a company of Moro [Muslim] soldiers presented certain difficulties, as it was known that a service rifle and belt of ammunition could be sold for as much as 1000 pesos in the interior of Mindanao. The fact that a Moro has to pay a heavy dowry when he marries might furnish a good reason for many Moros wishing, to enlist, with the possibility of deserting with a rifle to be sold to secure funds for marrying the chosen girl.
>
> In spite of these unfavorable considerations, however, twenty recruits were sworn in on February 24, 1909. In addition to the regular oath of enlistment, the men were sworn on the Koran by a Moro *Pandita* [Qadhi]. By the end of October, the organization of the company was complete…
>
> When the company of Philippine Scouts finally took the field, it became famous for its activity in quelling the Moro guerilla warfare. In the main, the men proved loyal to their

> oaths. The company lost eighteen men, thirteen rifles and 1050 cartridges through desertion. All of the rifles were recovered and all of the deserters were apprehended or killed. The heads of two of the deserters, Uru and Rumaub, were brought in a sack to the American headquarters.
>
> The Philippine Department assigned the Scouts to subdue the fierce and warlike Moro tribes on the island of Mindanao, and to establish tranquility throughout the islands. In the 1930s, Philippine Scouts, along with the 31st Infantry Regiment, saw action at Jolo, Palawan.
> They also fought alongside the Americans in World War II, (ibid)."

As for their tactics on deterring *Istishaadiyoon*, their strategy was novel, (and countries such as Israel have taken it up in contemporary battles against the *mujahideen*:

> "Not the least discouraging of the efforts against *juramentados* [*Istishaadiyoon*] was carried on by Colonel Alexander Rodgers, Governor of Jolo.
>
> All Moros who ran *juramentado* were killed and laid out in the market place with slaughtered pigs placed above them, (ibid)."

At the Battle of Bud[311] Bagsak in 1913, 900 Muslims, (including women and children), were mercilessly slaughtered. Subsequently, after the Americans left, after World War II, the Muslims were now under the oppressiong of the native Catholics who have abused and tyrannized the Muslims on Mindanao, while the whole Muslim world watched. After Independence the the Catholic government expanded the,

> "…government-sponsored Christian Filipino immigration from northern provinces to the Muslim South. Demographic data from a single municipality--Kapatagan-- in the province of Lanao del Norte in central Mindanao illustrate the scale of the post-war influx of Christian migrants
>
> There were about 24 Christian settlers in the Kapatagan area in 1918. By 1941 their number had risen to 8,000 and by 1960 there were a total of 93,000 immigrants. By 1960, Christian immigrants vastly outnumbered the 7,000 indigenous Muslims still living in the area, (Mckenna)."

The Christian government in Manila periperalized the Muslims in Mindanao and used legal ruses to deprive them of land:

> "The Bureau of Lands recognized land rights on the basis of priority of claim filed, not priority of occupation. It was not unusual for individuals to obtain legal titles, either intentionally or unintentionally, to already-occupied lands. In such cases, the legal owners were mostly (but not always) Christians and the previous occupants ordinary Muslims, (ibid)."

The same policy of migration continued, (as it has in Turkestan under the Chinese), and continues till today. However the *mujahideen* continue to fight in the jungles of Tawi Tawi and Basilan and those brave heroes that have give their all *parang sabil* deserve our aid and attention as

[311] This means mountain in the native dialect

our Muslim brothers primarily, but secondly, as Muslims who are oppressed and are involved in a battlefield which most Muslims have forgotten about.

The Americans have now reestablished themselve in Zamboanga in a training and intelligence capability, to aid the *kafir* Philipino army in fighting the *mujahideen* of Abu Sayyaaf. Many of their operations, (with the aid of the *munafiqeen* Muslims), have resulted in the deaths of the founder of the group and the *mujahid*, Abdul Razak Janjalani who fought not only the Philipines, but in Afghanistan during the Afghan *jihad*, and numerous leaders of the *mujahideen*.

The Americans have also instituted their previously tried and tested tactic of using economic inducements for Muslims to lay down their arms, or not even think about picking them up. One example of this, (other than governmental aid given to the Philipino government), is the United States Agency for International Development program for Growth with Equity in Mindanao, or more commonly know as the GEM program.

In Somalia, the country was divided between the British and the Italians jointly occupied the country as part of their agreement during the Berlin Conference of 1884. The story of the Berlin conference is an interesting story in and of itself, in that it was organized at the request of Portugal to settle territorial quarrels with Spain and was organized by Germany, (whom had an intention to expand their global and colonial role, especially in Africa), and attended by other colonial powers. In other words, it was a conference that tinkered with the rights and fates of hundreds of millions of people around the world, (predominantly Muslims). In this room countries were carved up and deals were made while we slept, blissfully unaware of the designs of the *kuffaar*, just as we are asleep today. Italy would go on to invade the British portion of Somalia just prior to World War II.

As time passed, the Uthmani *khilafa*, which had been in a state of decay since the mid 1700's was now almost totally collapsed after the end of hostilities in World War I. They had been allied with the Germans and were thus bound to pay reperations and lose territory to the victors. Morever, during the war, the British had orchestrated the 'arab revolt' wherein the Uthmani *khilafa* lost control over almost all of their territories in the *Hijaz* and *Najd*. In 1916, the Sykes Picot agreement secretly divided the Uthmani khilafa to the European victors, in preparation of the defeat of the *khilafa*. The divisions of the Modern middle east lay in this map:

Sykes-Picot Agreement, 1916



Palestinian Academic Society for the Study of International Affairs (PASSIA)

Around the same time, the Balfour decleration was isssued from the British government to Lord Rothschild and his group, the Zionist Federation. It stated:

"Foreign Office,
November 2nd, 1917.

Dear Lord Rothschild,

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet:

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country".

I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Yours sincerely
Arthur James Balfour"

The source and beginning of the story of the disaster which we call the state of Israel, begins from this statement. Britains favorable stance towards the creation of the Jewish State made it incorporate the main idea of the Balfour declaration into the Treaty of Sevres, in 1920.

Additional treaties were signed such as the Treaty of Sevres in 1920 which was ratified by the Treaty of Lausanne in 1923, and shaped the modern Middle East as we know it and the modern Turkish state. The secret Tripartite Agreement was signed during this period as well.



It is well worth having a look at the Treaty of Lausanne, especially Section II, Article 37 which talks about the 'Protection of Minorities":

"ARTICLE 37.

- Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognised as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

ARTICLE 38.

- The Turkish Government undertakes to assure full and complete protection of life and liberty to ali inhabitants of Turkey without distinction of birth, nationality, language, race or religion.
- All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.
- Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order.

ARTICLE 39

- Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.
- All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.
- Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.
- No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.
- Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts."

And thus we find the institution of *dhimmah* being destroyed and finally now, the *kafir* was equal to a Muslim.

With World War II, the new international framework of laws and regulations were created, such as the UN Charter, the Geneva Convention, International Court of Justice, World Trade Organization, IMF and the host of international laws that are now seen as 'universal.' These laws were imposed upon us too leading to the removal of the Shariah as the guiding principle for the life of Muslims. Interest/*Riba* now became an accepted part of commercial transactions in Muslim countries, (you simply have to walk down the streets of Deira in Dubai to see the variety of different interst based banks line up). 'Tolerance' was now required of other faiths by Muslims as it was part of International 'norms,' and finally, abidance by International law, (or as it is known, the Law of Nations), is a must, which in effect ends the practice of ghazawaat upon the kuffaar into their

territory in short intervals, and even *jihad* itself. However, as Shaykh Abu Musab noted on the attitude of the *kuffaar* upon International law and its relation to the Muslim region of Central Asia:

> "They follow international laws except when applying them to these regions [Muslim central Asia]. This strategic ability to break or obey international law is, of course, in their hands and Allah knows best, (Suri, 31)."

Thus began a series of firsts. It was the first time that the Ummah had been without a *khilaafah* since the beginning of Islam. It was the first time that the Ummah was being forced and coerced on such a massive scale to accept *kafir* law.

Turkestan, that long forgotton Islamic land, has been under occupation and oppression since the 17th century by the Russians and Chinese. During the communist period, many Ulema fell for the false and empty promises of the Communist party and collaborated with it. The result was disastrous, wherein now Muslims in this region are oppressed to an extent unimaginable. In fact, in ordinary practices such as *Hajj*, the chinese government intereferes and appoints a Communist party approved guide for the trip, (undoubtedly an intelligence officer that would report all that was talked about during the *Hajj* to the Chines authorities). The litany is long against Chinese government and Shaykh Abu Musa'b Al Suri summarized them thus:

> "**First:** Restricting the exercise of religious rites and to prevent the spread of the teachings of Islam and to avoid the next generation having an Islamic identity.
> **Second:** Maintaining laws that prevented people from exercising their legitimate human rights of education and freedom of expression. Other methods used were surveillance, beatings, arrests and even murder.
> **Third:** The confiscation of the wealth of East Turkistan and depriving the indigenous people of their riches, along with the imposition of a life of poverty, destitution and neglect on them due to the country's lack of economic development.
> **Fourth:** Deceiving the world by the 'establishment' of an 'autonomous' East Turkistan which the Chinese managed from behind the scenes, and implemented by their Turkistani hirelings and their successors.
> **Fifth:** Flooding East Turkestan with Chinese migrants who occupied the places of residence and work of the indigenous people.
> **Sixth:** Carrying out nuclear tests in occupied Turkestan, which resulted in damage to the environment with poisons and the spread of disease among the Turkistani people.
> **Seventh:** The publicly acknowledged policy of forced birth control, along with the maximum penalties for violators of this policy.
> **Eighth**: Encouraging marriage between Turkistani's and Chinese, (ibid, 38)."

When the Cold War arrived, we began our existence as 'pawns' in the superpower rivalry that ensued over fifty years after World War II. All our leaders and intellectuals would run from one side to the other, never waiting to think that the answer to our problems was in Islam. All we had to do was to open the Quran. It was only after the Soviet invasion of Afghanistan, that the Muslim Ummah began to wake up out of its slumber and began to realize the extent of the problem and, on the other hand, its solution, which was Islam and *jihad*. Muslims from all over the world came to finally begin to discharge their duties as Muslims of *jihad fee sabilAllah*, as it was, and is, *fard ayn*. The flames of *jihad* spread across the lands, from Afghanistan to Kashmir, Pakistan, Mindanao, Indonesia, Thailand, Somalia Bosnia, Iraq, Turkistan and ofcourse, the *Maghrib*. I did not forget Palestine, and who could, when over fifty years we have been derelict of our duty to liberate this sacred Islamic

land. How could we, as an Ummah, possess almost 2 million troops in our armed forces across the globe, but yet not be able to free Palestine from the sons of apes and and pigs? We watched as they bombed over and over again, first it was Jenin, then it was Gaza and where will it stop?

Andalus ties into this because it was the first Islamic land that fell. It was because of the very diseases that caused it to fall, such as excessive love of ease and comfort and avoidance of *jihad*, that we are suffering the predicament that we are suffering.

And as time went on, Muslims began coming closer to their *deen*, but yet they had not solidifed their stance in their *Aqeedah*. Therefore, some individuals and groups during the 1990's moved towards creating Islamic political parties as a compromise between the secular system and the Islamic. This point cannot be emphasized enough, that there can not be compromise in following Islam:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا ادْخُلُوا فِي السِّلْمِ كَافَّةً﴾

O ye who believe! Enter into Islam whole-heartedly[312]

Predictably these parties attracted many, and their leaders sincerely believed in their cause and were good brothers, albeit with a flawed approach. The classic example we should all study is the example of the FIS, or Islamic Salvation Front in Algeria. Many Algerian brothers had fought during the Afghan *jihad* and had returned home to find that their countries were in terrible shape. In the aftermath of the Afghan *jihad*, Muslims around the world had begun to practice their *deen* more than they used to do and thus the key component of public support for Islamic change was present in Algeria. Thus, with the formation of the party in 1989, Shaykh Abbas Madani and Ali Belhajj decided to contest national elections in 1990. In fact they swept the local elections with 54% of votes cast, taking 46% of town assemblies and 55% of *wilaya* assemblies. It even managed to secure 93% of towns/cities of over 50,000. After a large peaceful demonstration in 1991 against the governments redrawing of electoral districts, (a move designed to lessen the votes that could be garnered by the FIS), the government arrested Madani and Belhajj having already arrested a number of lower-ranking members. The party, however, remained legal, and passed its leadership to other members. On December 26, 1991, the FIS handily won the first round of parliamentary elections; with 48% of the overall popular vote, they won 188 of the 231 seats contested in that round, putting them far ahead of rivals. The French backed Algerian army saw the seeming certainty of resulting FIS rule as unacceptable. On January 11, 1992, it cancelled the electoral process, forcing President Chadli Bendjedid to resign and bringing in the exiled independence fighter Mohammed Boudiaf to serve as a new president. A state of emergency was declared, and the government officially dissolved FIS on March 4. And thus even after playing by the 'rules' they were pushed aside and were not allowed to achieve victory due to the servitude of the government and Military to the *kuffaar*. In the end armed resistance began by the men of the FIS and a new group, the GIA, or the Islamic Armed Group. The resistance was to devolve into an all out civil war where Algerian military intelligence would carry out black flag operations and murder tens of hundreds of people in random villages and make it look like the GIA did it. The GIA initially kept the resistance within the bounds but eventually theyre excessive *takfir* made them lose support even within circle of *mujahideen* groups and *shuyukh*.

[312] Surah Baqarah, Ayah 208

Better still, we should look no further than the Muslim Brotherhood, (*Ikhwaan Al Muslimeen*), in Egypt. They have spent decades as part of the Egyptian political process, and in fact are an outlawed party. Muslim Brotherhood members run for elections as independents and are not even allowed to indentify themselves with their party. They get arrested for the slightest of of offenses that offend the Pharoah, Husni Mubarak. If you are familiar with Egypt and Egpytians, you will know that whenever a religious brother has to go back to Egypt, he has to always trim or shave his beard so as to not be arrested by the police in Egypt, on charges of being a terrorist on account of the person's long beard!

The same principle applies to the Jaamat e Islami in Pakistan which has been participating in Pakistani politics for decades, and although their leadership claims small tactical victories, they have lost the strategic battle, in that, in their attempts to implement Islam in Pakistan, they have to commit *shirk* and join the parliment and obey its secular rules and regulations. They have to agree with the judgements of a law other than Allah's. They flaunted their success in mainting the Hudood laws as part of Pakistani law, and now, even that has been repealed. The Jaamat e Islami is not the Jamaat of Mawlana Mawdoodi, and I shudder to think about what he might say if he say it today with its disgraceful leadership and its love of compromise.

However, in our time, the example of Hamas is very pertinent. Hamas, as we all remember, was elected through the legal and internationally accepted election process in 2006. Without even qualifiying their statements, the American President and his staff started calling Palestine a terrorist state, wherein Hamas remained a terrorist entity. Following this logic, would this not make the people, who willingly voted Hamas into power, terrorists also? It appears that is the conclusion the Americans and Israelis have come to, (wihtout saying it, ofcourse), and have thus decided to teach the Muslims of Gaza a 'lesson' for being Muslim and wanting to practice their *deen*, by bombing them to the stone age.

On the other hand, to get into power, Hamas had to renounce *Istishadee* operations. It also openly consorted with countries such as Iran and Russia and took them as their allies all in the name of balancing international politics and gaining support. While conversely, they murdered and arrested members of *Jaish Al Islam*, going as far as rescuing a BBC journalist, Alan Johnston, who had been taken hostage, in order to attain the freedom of Shaykh Abu Qatada. So all around, there was no gain in going into the democratic process and compromising on the Islamic principles. Hamas was not, and still is not, accepted by the west as a legitimate entity and will not until they give any sembelance of Islam and become an islamized version of *Fatah*. As Allah (SWT) says:

﴿وَلَن تَرْضَى عَنكَ الْيَهُودُ وَلاَ النَّصَـــرَى حَتَّى تَتَّبِعَ مِلَّتَهُمْ قُلْ إِنَّ هُدَى
اللَّهِ هُوَ الْهُدَى وَلَئِنِ اتَّبَعْتَ أَهْوَآءَهُم بَعْدَ الَّذِي جَآءَكَ مِنَ الْعِلْمِ مَا لَكَ مِنَ
اللَّهِ مِن وَلِيٍّ وَلاَ نَصِيرٍ﴾

Never will the Jews nor the Christians be pleased with you (O Muhammad) till you follow their religion. Say: "Verily, the guidance of Allah (i.e. Islamic Monotheism) that is the (only) guidance. And if you (O Muhammad) were to follow their (Jews and Christians) desires after

what you have received of Knowledge (i.e. the Qur'an), then you would have against Allah neither any Wali (protector or guardian) nor any helper[313]

More disasters struck the Ummah during the 1990's as King Fahd of Saudi Arabia allowed US troops into Saudi as part of Operation Desert Storm, allowing them, in effect, to stay for a prolonged period to protect the Saudi govenrment not only from Saddam, but also from its own people. Moreover, now since the *jihad* in Afghanistan was over, treachorous Muslim governments unveiled themselves and showed their true colors, revealing that the were not waging to *jihad fee sabilillah*, but rather *jihad fee sabilAmrika*. One of these goverments was the government of Pakistan which began to round up Arab and foreign *mujahideen* residing in Pakistan. In spite, of the fact these people all had legal residence papers issed by the Pakistani government, they were still deported back to their home countries where they were inevitably imprisoned, tortured and perhaps even killed. Something identical to this had occurred in Bosnia after the *jihad* was over, and due to pressure from the intenational community upon Bosnia, they were forced to expel some of the foreign *mujahideen*, (as this was one condition of the Dayton Peace accords).

The two dogs that bear the most blame for these acts are *Rafidhi* Shia Benazir Bhutto who, by the grace of Allah, got what she deserved as ample payback. The other character in this plot was Rehman Malik, who was the chief of the Federal Investigation Agency at the time. He was the point man for the FBI teams that ended up capturing Ramzi Yusuf in Islamabad and Aimal Kansi as well. He was the one that helped in capturing countless *mujahideen* and their helpers, only to turn them over to the *kuffaar*. He also happens to be the Minister of Interior today.

However, there were also good things that occurred in this era. The *mujahideen* that had fought during the Afghan *jihad* had now gone back to their home countries and began to incite the youth to wage *jihad* against their tyrannical regimes at home and, if need be, to go abroad and aid their brothers in the *deen* elsewhere. As a result many *jihads* began during this time such as in the Philipines, Thailand and Bangladesh. Morever, many of the youth had come to gain training in Afghanistan to further their military skills, resulting in a generation of Muslim youth that were now very familiar with the military arts, unlike any generation before it. We saw the beginning of the global jihad during this period with operations carried out against the Americans in Nairobi, Dar Al Salam, the USS Cole, Khobar Towers and many other operations. The distinction between Arab and non arab faded away, and the artifial boundaries created after World War I by the international framework of treaties, where Indonesian *mujahideen* would execute an operation to aid their brothers in Afghanistan, or that Arab *mujahideen* would fight alongside, and also under the command of, Afghanis.

There was also the American intervention in Somalia in 1993, where the *mujahideen* of Al Qaeda were present, and dealt a humiliating blow to America prestige as they defeated American Special forces, (both Delta Force and Army Rangers), in Mogadishu in the famous 'Black Hawk Down' incident. In addition, the twin *jihads* of both Bosnia and Chechnya began during this time. The *jihad* in Chechnya, with its famous leaders, such as Khattab and Shamil Basayev, need little explaining to most people as the deeds of these mujahideen speak louder, than any description. The *jihad* in Chechnya ofcourse continues till this very day.

As for Bosnia, it was the first *jihad* after the Afghan *jihad*, and many that had missed the opportunity at going to Afghanistan, decided to depart for Bosnia. Additionally people were incited

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[313] Surah Al Baqarah, Ayah 120

towards *jihad* with the stories of the *shuhada* and the miracles bestowed upon the *Mujahideen* from Allah. People witnessed miracles bestowed upon the *mujahideen*, such as the Battle of Tishin in October 1992, where a mere 25 *mujahideen* defeated 200 or so Serbian Special forces troops. However, this *jihad* was also the time where we got to see for the first time, the methods by which America and the west stole the 'fruits' of *jihad* from the *mujahideen*.

During the time that Dayton was being signed, the Bosnian national army, (which included the *mujahideen*, which were by now officialy part of the Bosnian army as a separate brigade), in conjunction with Croat forces were now on the counter offensive against the Serbs. The counteroffensive was led by General Atif Dudakovic of the 5th Corps and General Muharem Alagic of the 7th Corps. Most of the men of this brigade consisted of refugees whom had lost everything, and even had to bear to see systematic rape of the daughters, wives and mothers by the Serbs as one author writes, "…this was done not at random by unruly soldiers, but deliberatly, as a matter of policy….(Roncevic, 48)."By September 1995, the 5th Corps had "…inflicted heavy defeats upon the force of the Serbian General, Ratko Mladic, (ibid)." In October of the same year, the 5th Corps succeeded in liberating the towns of Bosanski Petrovac and Bosansak Krupa. Simultaneously the 7th Corps was making its way from central Bosnia towards its north-west. The Bosniak forces were now within range of taking the second biggest town under Serb control, Banja Luka. However, pressure from Washington made the Croats stop their advance while the Muslims too were told to stop under the threat that "…NATO had issued a serious threat of imminent airstrikes on the Bosnian Army positions should the operation continue, (ibid, 49)." So after three and half years of fighting, the west essentially had saved Serbia and in effect, had justified its crimes. One Bosniak, (which means Bosnian Muslim), writer wrote:

> "It is important to emphasize that before the Dayton Accord, the aggressors controlled a smaller part of the occupied territory than what they were awarded by this agreement [Dayton]. Only hours or perhaps days stood between them and a heavy defeat in Western Bosnia…in doing so, they [the west] have thwarted the Bosnian Government's counter offensive and prevented the final defeat of Serb Facism in Bosnia Herzogovina, (ibid, 50)."

As part of the Dayton agreements, Article III, paragraph 2 says that "all foreign Forces, including individual advisers, freedom fighters, trainers, volunteers and personnel from neighboring and other States, shall be withdrawn from the territory of Bosnia and Herzegovina." It deliberatly only mentions Bosnia and not Croatia or Serbia. Without saying it, they were asking the Bosnian government to evict the *mujahideen*, while not mentioning the Christian volunteers that fought on the Croat side for instance. One example, is of an English volunteer that fough on the Croatian side during the war, Simon Wells. He too was a 'foreign fighter' but is now part of the Police force in Britian, living peacefully, without fear of going to Guantanamo or being rendered 'extraordinarily' to some black site in Eastern Europe. On the other hand, the *mujahideen*, which had fought as part of the legal armed forces of Bosnia, (as part of the 'Mujahideen Brigade'), and given legal Bosnian citizenships by then Bosnian president Alija Izetbegović, were now being evicted from Bosnia, as part of Dayton. Moreover, with the beginning of the 'War on Terror,' former *mujahideen* in Bosnia were rendered to Guantanmo for fighting in and trianing for a war that the West had supported! Brothers Abdel Hadi Mohammed Badan Al Sebay Sebay, Umar Rajab Amin, Adel Ben Mabrouk Bin Hamida Boughanmi, Tariq Mahmoud Ahmed Al Sawah, Omar Amer Deghayes, Bensayah Belkacem, Sabir Mahfouz Lahmar, Mohammed Nechle, Mustafa Ait Idr, Lakhdar Boumediene, Boudella Al Hajj, are some of the names that are known of Muslims in Bosnia that were in American custody at Guantanmo, sometimes on the most absurd of charges, (such as that of Adel Ben Mabrouk bin Hamida Boughanmi, that "he lived in a Bosnian Mujahedin village"). However, in December

2008, Boudella al Hajj, Mustafa Ait Idr and Mohammed Nechle were released back to Bosnia after serving almost 8 years in Guantanamo for fighting a legitimate struggle for freedom. It really comes down to one reason, and that is because they were Muslim. I say this not out or rage, but rather because of fact. Volunteers that fought on the side of the Fascist dictator Franco during the Spanish civil war against Communists in Spain in 1939 came from all over the Catholic world such as Ireland and elsewhere. Foreign brigades were set up exclusively for these men. Yet, eventhough Facism was the enemy of the day, and is not looked upon highly today either, these men were never prosecuted for War crimes at the tribunal at Nuremburg in 1945, and nor were they branded as 'terrorist,' during the occurrence of fighting or post facto.

Finally we come to the blessed attacks on New York and Washington and the start of the 'War of Terror.' I do not wish to recount what happened from 2001 till now, but rather I would like too address the misconceptions people have about the mujahideen through the prism of the current 'War on Terror.' The first misconception most Muslims have had during this war, is that the Mujahideen could not possibly defeat the mighty American army due to its technological prowess. However, I beg to differ, as first and foremost, Allah is the giver of victory, and not JDAM bombs or Predator drones. Secondly guerilla warfare is designed to fight numerically and technogically superior enemies, and Muslims over the centuries have used this type of warfare in the forests of Chechnya and the Philipines, or in the deserst of Libya or in the hills of Garnata. One numerical example needs to provided to clear up this point:

> "In Algiers, in the 1950's, the French were defeated in spite of having a similar predominance [number of men in the armed forces vis a vis the insurgents]. In the troubles of 1919-21, the 3,000 strong IRA succesfully engaged 43,000 police and troops…The 10:1 ration [ratio of occupying forces:insurgent forces] gained wide currency…in Vietnam. In 1965, however, Taylor proclaimed that a superiority of 25:1 would be neccesary to defeat the Viet Cong, (Miller & O'Sullivan, 120)."

In other words, every Mujahid is the equivalent of 10-25 normal US soldiers! These are established military facts and the Americans know that if they even wanted a chance at defeating the mujahideen, they would need upwards of 200,000 troops in Afghanistan alone, let alone Iraq, Somali and elsewhere. However, even with that quantity of troops, Allah would still be the Grantor of victory.

I wanted to make numerous points about the false accusations against Sheykh Usama and the *Mujahideen*, using recently declassified documents, but alas, my time has run out. I can only say that we need to fight our *Wahn*, and have *tawakkul* on Allah, and perform our duty. I will end on a few lines from a nasheed for the brothers and as a reminder to them of what needs to be done:

حور العين تناديني

فدعيني أمـــــــــاه دعيني

لا تبكي دموعكــ ياأمي

عن دربي لا لن تثنيني

أمـــــــاه طريقي قد وضحت

والقلب يسير به فرحا

حرب وجهاد متقد

ودم بالعزة قد نضح

أمـــــــاه فديني يحترقُ

ويريد رجال قد صدقُ

فدعيني أصنع بدمـــــائي

فجر يحمر به الأفق

Remember the words of Ikrimah Ibn Abu Hishaam at the Battle of Yarmook:

> "Khalid! Please step back; you accepted Islam before me and have succeeded in attaining a lofty status…Just leave me alone today, so that I can compensate for my sins and absolve myself, (Ghadhanfar, 167)."

With that said, I have made my decision to act out my duty and to not fall pray to the mistakes of the people of Andalus, but:

What about You?

وآخر دوانا أن الحمد لله رب العالمين، والصلاة والسلام على أشرف الأنبياء والمرسلين، وعلى آله وصحبه الطاهرين الطيبين، وعلى من اتبعهم بإحسان إلى يوم الدين

Appendix A:

Translation Of A Fatwa OF Muhammad B. 'Ali Al-Ansari Al-Haffar (end of 14th/8th Century)
BN Madrid Ms. 5324 (fols.47v-48v)

Fatwa of Muhammad b. 'Ali al-Ansari al-Haffir, may Allah the exalted help him. Praise be to Allah. My lord-may Allah be pleased with you-your answer [is requested] concerning the Mudajjaleen residing in the land of the Christians and living in their land among them. Is emigration to the land of Islam obligatory for them? And concerning the two spouses: If one of them desires to emigrate and the other refuses to do so, is it permissible for the one who desires to emigrate to do so without the other? And if the wife is entitled to something from her husband, namely her dower (sadaq), and she did not agree with him in the matter of emigration, can he emigrate and leave her and not give her this, or is this not permitted until he gives her what she is entitled to in respect to him? Can she exact from him [what is] her right if she wants to emigrate and he refuses to do so? Should he be compelled, by virtue of the court's decision, to do this or not?

[Answer:] Praise be to Allah. The Prophet (صلَّى الله عليه وسلَّم) said:

﴿أنا بريء من [كل] مسلم مقيم مع المشركين﴾

"I am free from any Muslim residing alongside the mushrikeen"[314]

[Thus] it is not permitted for a Muslim who has the capacity to emigrate from exposure to the infidels to remain among them, because they are subject to the laws of unbelief and because they constantly witness lack of belief in Allah [*kufr*] and [yet] they do not have the capacity to change it. It is incumbent upon them to emigrate from [this] place, therefore, since it is not permitted for a Muslim to keep company with one who engages in the sinful activities of drinking wine, committing adultery, or other sinful acts. How much the more so is it not permitted to live with one who does not believe in Allah and tells lies about His Prophet? Thus, emigration should be regarded as a duty by virtue of ijma' (consensus of the community). If one of the spouses wants to emigrate from the land of the infidel and approach (dar al-Islam), and the other refuses, then he has no excuse on this account but should [nevertheless] emigrate and leave his/her spouse. For religious interests must prevail over *Maslaha*. If one of the spouses wants to leave and one of them owes the other, then he may not depart until he has fulfilled his obligation. Thus, the husband should give his wife the *sadaq* he had agreed to, or any other obligation to which she is entitled, and [only] then may he emigrate. Likewise, the wife, if she emigrates and he remains behind, it is incumbent upon him to give her what he owes her.

[314] Saheeh hadith from Sunan Tirmidhi, vol. 4, p. 155, Hadith #: 1604 and also in Abu Dawood, Hadith #: 2645, and Sunan Nisai as well. Narrator of the hadith was Jarir Bin AbdAllah

Appendix B:

Original Text Of A Fatwa Of Muhammad B. 'Ali Al-Ansari Al-Haffar

BN Madrid MS. 5324 (fols.47v-48v)

Fatwā of Al-Ḥaffār regarding a Mudejar couple living in *dār al-Ḥarb*

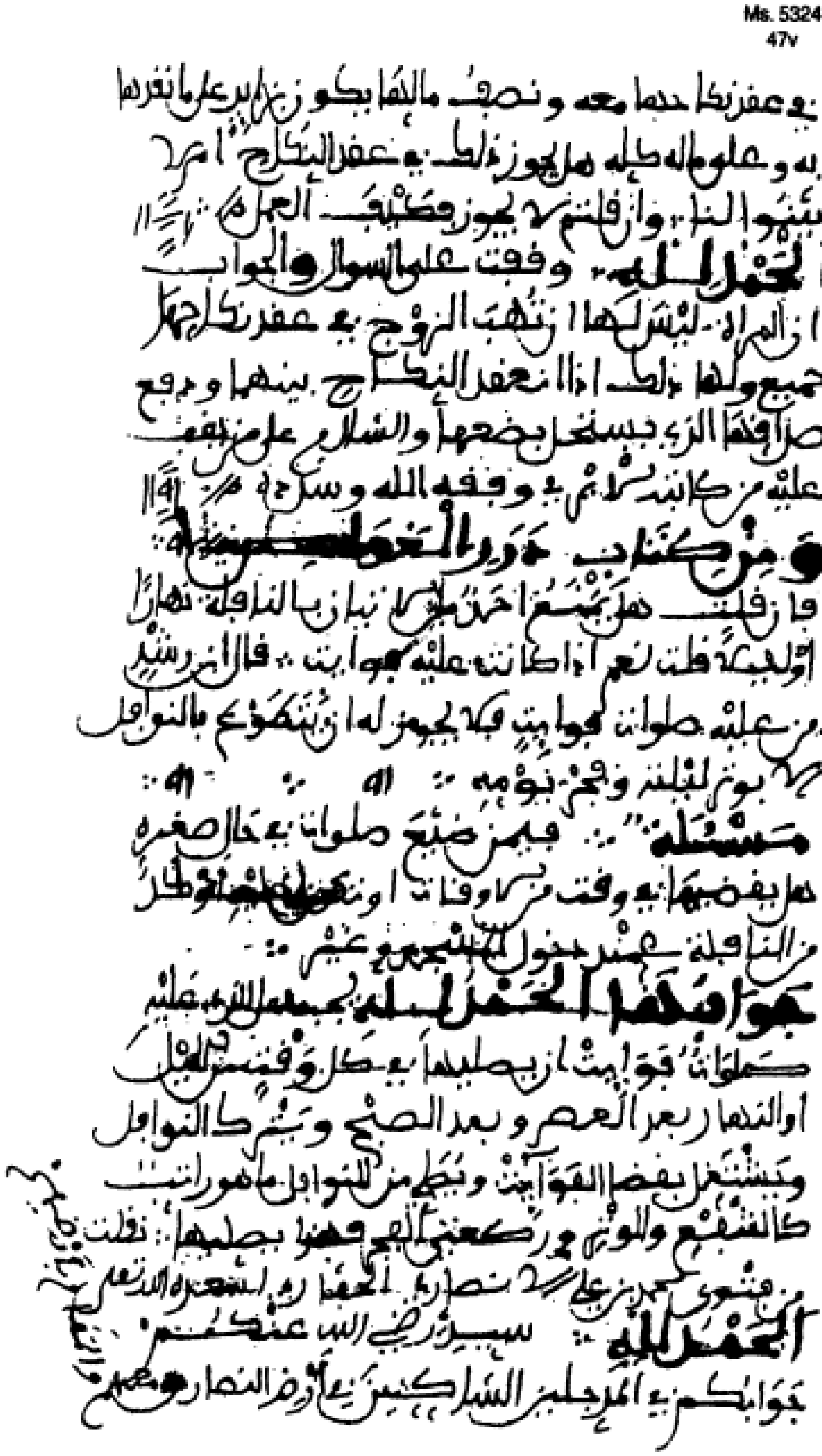
فتوى محمد بن علي الانصاري الحفّار اسعده الله تعلى الحمدلله سيدي رضي الله عنكم جوابكم في المدجلين الساكنين في ارض النصارى معهم والمقام بارضهم

أم يجب عليْهمْ الهجْرة الى ارض الإسلام و عن الزوجين اذا أحَب أحدهما الهجرة و ابى الاخر من ذلك هل يجوز لمن احب الهجرة منْهما ان يفعل ذلك دون الاخر و اذ كان للزوجة قبل زوجها شي من صداقها ولم توافقه على الهجرة هل يهاجر ويتركها ولا يعطيها ذلك ام لا ؟ يجوز ذلك حتى يعطيها ما لها قبله و هل [48r) تاخذ هي منه حقها اذا احبت الهجرة و ابى هو من ذلك أيحكم عليه بذلك ام لا ؟

الحمدلله قال رسول الله صعم أنا بريءٌ من كل مسلم اقام بين اظهر المشركين فلا يحل لمسلم يقدر على الخروج من اظهار الكفار ان يبقى معهم لكون احكام الكفر تجري عليهم ولانهم يشاهدون الكفر بالله على الدوام ولا يقدر على تغييره فيجب عليهم الخروج عن محله اذ لا يحل لمسلم الجلوس مع من يتعاطى معصيته من شرب الخمر او زنا او غير ذلك من المعاصي فكيف بالسكنى مع من يكفر بالله ويكذب رسوله فالهجرة عليهم واجبة باجماع الامة و اذا اراد أحد الزوجين الخروج من ارض الكفر والا قتراب (48v)
و ابى الاخر فلا عذرُ له بسبب ذلك بل يخرج ويتركه لان مصلحة الدين متقدمة على مصلحة الدنيا و من اراد الخروج من الزوجين ولاحدهما قبل الاخر حق فلا يخرج حتى يودي اليه حقه فيعطي الزوج ما لزوجته قبله من صداق او غيره من دين واجب لها عليه و حينئذ يخرج و كذالك الزوجة ان هاجرت و بقى هو هنالك يجب عليه ان يعطيها ما لها عليه

Appendix C:

Original Text Of A Fatwa Of Muhammad B. 'Ali Al-Ansari Al-Haffar


Ms. 5324
47v

في عقد نكاحها معه ونصف مالها يكون لابن عم ما تقدمها
به وعلم والده بذلك هل يجوز ذلك في عقد النكاح أم
يفسخ النكاح وإن قلتم لا يجوز فكيف العمل
الحمد لله. وقفت على السؤال والجواب
أن المرأة ليس لها أن تهب الزوج في عقد نكاحها
جميع ولدها ذلك إذا انعقد النكاح بينهما ووقع
على الوجه الذي يستحل به فرجها والسلام على من يقف
عليه من كاتبه سلام في وفقه الله وسدده
ومن كتاب درة الغواص
فإن قلت هل يمنع أحد من أن يتنفل بالنافلة نهارا
أو ليلا قلت نعم إذا كانت عليه صلوات فوائت قال ابن رشد
من عليه صلوات فوائت فلا يجوز له أن يتطوع بالنوافل
دون ليلته وفجر يومه
مسألة فيمن ضيع صلوات في حال صغره
هل يقضيها في وقت من الأوقات أو [illegible]
من النافلة [illegible]
جوابه الحمد لله يجب على من عليه
صلوات فوائت أن يصليها في كل وقت من ليل
أو نهار بعد العصر وبعد الصبح ويترك النوافل
ويشتغل بقضاء الفوائت ويبطل من النوافل ما هو راتب
كالشفع والوتر وركعتي الفجر فيصليها نقلت من
فتوى محمد بن علي الأنصاري الحفار رحمه الله تعالى
الحمد لله سيدي رضي الله عنكم
جوابكم في الرجلين الساكنين في أرض النصارى [illegible]

Continuation of Appendix C:

Ms. 5324
48r

أيجب عليهم الهجرة إلى دار الإسلام وعن الزوجين
إذا أحب أحدهما الهجرة وأبى الآخر من ذلك هل يجوز للمريد
الهجرة منهما أن يفعل دون الآخر وإذا كان للزوجة
قبل زوجها شيء من صداقها ولم توافقه في الهجرة
هل يهاجر ويتركها ولا يعطيها ذلك أم لا يجوز
ذلك حتى يعطيها مالها قبله وهل يأخذ شيئا منه
حقها إذا أحبت الهجرة وأبى هو من ذلك أيحكم
عليه بذلك أم لا

الثانية أنهم يجتمعون ليلة أول جمعة
من رجب وليلة النصف من شعبان وليلة عاشوراء
وليلة الثاني عشر من ربيع الأول في المساجد والروابط
بعد العشاء ويصلون النوافل ما شاء وهل يجوز ذلك
لهم أم لا بينوا لنا الحكم فيه ذلك الله بتوفيقكم
لصالح أعمالكم [illegible] رجاء [illegible] وفضله

الحمد لله قال رسول الله صلعم
أنا بريء من كل مسلم أقام بين أظهر المشركين فلا يحل
لمسلم يقدر على الخروج من بلاد الكفر الإقامة
معهم لكون أحكام الكفر تجري عليهم وأنهم بسبب ذلك يعرضون
الكفر بالله على الدوام ولا يقدر على تغييره فيجب عليه
الخروج من محله إذ لا يحل للمسلم الجلوس بين
ظهراني [illegible] نصبته [illegible] سبيل [illegible] أو غير ذلك
من المعاصي فكيف بالسكنى تحت حكم الكافر بالله ورسوله
[illegible] فالهجرة عليهم واجبة لما جاء في [illegible]
وإذا أراد أحد الزوجين الخروج من أرض الكفر وامتنع الآخر

Continuation of Appendix C:

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وان تاخر فلا عذر له بسبب ذلك بل [illegible]
لان مصلحة الدين مقدمة على مصلحة الدنيا وان اراد
الخروج من [illegible] وحين يكون احدهما قبل الاخر فلا يخرج
حتى يؤدي اليه حقه فيعطي الزوج ما [illegible] قبله
من صداق وعند [illegible] يطلب [illegible] وحينئذ يخرج
ويكون [illegible] الزوج هذا ان هاجر وبقي هو هنا فلا
يجب عليه ان يعطيها ما لا يجب عليه

واما الجمع في الليالي المذكورة

في المساجد المذكورة وان يطلب من [illegible]
المكروه وهذه التي نهى العلماء عنها وما حدث
في الازمنة المتاخرة ومن اراد النفل فليتنفل في بيته
كما قال النبي عليه السلام افضل الصلاة صلاتكم
في بيوتكم الا المكتوبة وبالله التوفيق

وسئل ابو عبد الله [illegible] عن جمع

سجود القران ليلة سبع وعشرين [illegible]
وجاوب ان ذلك غير جائز [illegible]
على ذلك والسلام وعلى من يقف عليه [illegible]

مسالة هل يجوز ان يكبر احد خلف الامام
اذا سجد عن السهو في قيام [illegible]

الحمد لله وقفت على السؤال المكتوب فوقه
واذا كان المرء يرفع صوته بالتكبير قصد
ان يسمع الناس وكان يحتاج الى ذلك فهو
جائز وان لم يحتج اليه فلا ينبغي ان يفعل
كتبه محمد بن سراج وفقه الله بمنه وسعادته

Appendix D:

Translation Of A Fatwa Of Muhammad Al-Mawwaq (End of 15th/9th Century)
BN Madrid MS. 5324 (fols. 135v-136r)

May Allah be pleased with you and grant the Muslims enjoyment for the length of your life. Your answer: If there is a man with two parents, or one of them, [living] in the Dar Al Harb, is it incumbent upon him, permitted, or recommended, to visit them or not, even if this results in neglecting them? If you say the first [viz., it is incumbent upon him to visit], should he visit them and return, or may he reside [there], [if] they request this of him? And does [this pertain] even if Christian authority and their laws apply to him, especially if he fears for his life? What is the judgment, may Allah be satisfied with you, regarding one who is living in the Dar Al Harb, with house and walls? Is it obligatory for him to leave? Even if this [would] lead to his begging for alms in the land of Muslims? Or it is preferable for him, or is it permissible? Explain to us the text [viz., that applies to it], and where it is found, if you can, or explain to us the authoritative basis [viz., from Allah] point by point, and what we have missed. May Allah reward you and guide you, and may Allah accept it as a good, sincere deed [for His sake]. Peace and mercy be upon you and Allah's blessings. Praise be to Allah, blessings and peace upon Muhammad, the Prophet of Allah.

The answer: and in Allah [we seek] success: If the parents have the capacity to emigrate or leave from Dar Al Harb or the land of the Shirk, without danger or fear, then it is not permitted to them to remain there, [even] if this leads to their impoverishment and their begging for alms. Indeed, the Companions of the Prophet-peace be upon Him-had emigrated and left behind what belonged to them. Some of the *Ahl Al-Suffa*[315] among them were supported by the alms of Muslims. The Prophet (SAWS) when he received alms, would send it to them. Under such circumstances it is not permitted to their son to travel to them for a visit and for any other thing which is not obligatory. If they do not have the capacity to emigrate, and he has the means to bring them out and rescue them from the ignominy of unbelief, then it is his obligation to do so; otherwise, it is also not permissible for him to visit them-even though [from another perspective] it is recommended on account of the fact that entry into [Dar Al Harb] results in [viz., his parents] contentment-because this also leads to entering under the ignominy of unbelief and that is a religious sin against Allah. No obedience is owed to a created [human being] if [it entails] disobeying the Creator. Peace be upon him in whose hands this [fatwa] falls from its writer, al-Faraj b. Ibrahim al-Basti, may Allah make him an avenue of blessings for them [frequently] in the Abode of War, so that he may fear Allah to his utmost extent [viz., effort] and offer his advice for others, so that perhaps his remaining there will lead to the strengthening of the faith of others and he may yet avail himself of the opportunity[to leave], for nothing is impossible for Allah. Likewise, he who enters Dar al Harb is a faqih of himself. And one must compare the benefits [*maslaha*] which [bring him to Dar Al Harb] with the harm which he expects. It is agreed that if two harmful things occur, the lesser wards off the greater. And I issued a fatwa of the same substance but this is the essence of it. He who had no excuse for entering the Dar Al Harb or for staying there is worthy of blame [viz., it is objectionable.] As for one who has an excuse, he is excused on account of that excuse: For one whose effort is pious, Allah magnifies his reward. Allah the Almighty said:

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[315] Among the Companions were some who dedicated themselves wholly to serving Islam. They spent all their time in learning Islam with all its subtleties, listening to the Prophet and communicating to others what they learnt and heard. They lived in the long, narrow chamber affixed to the Mosque and were therefore called Ashab al-Suffa, (the Companions of the Suffa). Since they spent their time in serving Islam by learning and teaching, they were poor and were provided by the Prophet and the rich among the Companions. They managed on very meager provisionsindeed. The

﴿فَمَن يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْراً يَرَهُ – وَمَن يَعْـــمَلْ مِثْقَالَ ذَرَّةٍ شَرّاً يَرَهُ﴾

So, whosoever does good equal to the weight of a speck of dust shall see it. And whosoever does evil equal to the weight of a speck of dust shall see it[316]

One who repents of sin is like one without sin, since there is no sin greater than *kufr*. And Allah says:

﴿قُل لِلَّذِينَ كَفَرُواْ إِن يَنتَهُواْ يُغْفَرْ لَهُمْ مَّا قَدْ سَلَفَ﴾

Say to those who have disbelieved, if they cease, their past will be forgiven[317]

Written by Al-Mawwaq, Granada (May Allah Protect it).

Prophet, upon Him be peace and blessings, was very careful about their livelihood. Once his daughter Fatima, may Allah be pleased with her, asked him for a servant. The Messenger answered: 'How can you say that? I haven't been able to assure the livelihood of the Ahl-Suffa yet.' Abu Hurayrah (ض) was one of the Ahl Al-Suffa

[316] Surah Al Zalzalah, Verses 7-8

[317] Surah Anfaal, Verse 38

Appendix E:

Original Of A Fatwa Of Muhammad Al-Mawwaq

BN Madrid MS. 5324 (fols.135v-136r)

Fatwā of Al-Mawwāq regarding a Muslim who wants to visit his parents in *dār al-Ḥarb*.

في مسئلة....

سيد ي رضي الله عنكم و امتع المسلمين بطول حياتكم جوابكم وهيى ان رجلا له ولدان او احدهما ببلاد الحرب هل يجب عليه او يجوز او يستحب زيارتهما او لا وان ادى ذلك الى ضياعهما و اذا قُلتم بالأول فهل يزورهما ويرجع او يمكث هناك ان طلبوه لذلك و هل ذلك وان كان تنالهُ ولاية النصرى و احكامهم في الطرق سيما ان كان يخشى على نفسه و ما الحُكْم رضي الله عنكم في ساكن بلاد الحرب بدار و جدار هل يجب عليه الخروج وان ادى ذلك الى انه يسعى و يسآل يسْكن في بلاد المسلمين او يستحب له ذلك او يجوز ؟ بين لنا نص ذلك وحيث هو ان امْكنكم و الا فما اقام الله عندكم بينوه لنا فصلا فصلا و ما اغفلناه و الله يجزي ثوابكم و يرشدكم و يجعله خالصاً لوجْهه الكريم و السلام عليكم ورحمة الله وبركاته الحمدلله و الصلاة والسلام على محمد رسول الله

الجواب و بالله التوفيق

ان الآ بوين ان كانا قادرين على الهجرة والخروج من دار الحرب و ارض الشرك من غير غرر ولا خوف فلا يجوز لهما المقام بها و ان ادى ذلك لتكففهما و سؤالهما فقد هاجر اصحاب رسول الله صلى الله عليه و سلم وتركوا ما لهم و كان بعض اهل الصفة منهم يعيش من صدقات المسلمين و كان النبي عليه السلام اذا اتته صدقة ارْسل بها اليهم ولا يجوز حينئذ لابنهما ان يرحل اليهما لالزيارة ولا غيرها مما ليس واجباً وان كان غير قادرين على الهجرة و قدر هو على اخراجهما وانقاذهما من ذل الكفر فذلك متعين عليه والا فلا يجوز له ايضاً زيارتهما وان كان مندوبة لما تؤدي اليه من الدخول تحت رضاهما لان ذلك ايضاً يؤدى الى الدخول تحت ذل الكفر و ذلك معْصية ولا طاعة لمخلوق في معصية الخالق و السلام على من يقف عليه من كاتبه الفرج بن ابراهيم البسطي لطف الله به على المختلف بدار الحرب ان يتقى الله جهده و يبذل لغيره نصحه عسى ان يكون بقا ٭ه تثبيتاً لايمان غيره ولا يزال ينتظره انتهاز الفرصة إذْ لا تُعْجزُ اللّه قدْره وكذلك الداخِلْ لارض الحرب هو فقيه نفسه و يقايس المصلحة التي يستجلبه بالمضرة التي يتوقعها فمتفق عليه انه اذا اجتمع الضراران وَقِيَ الاصْغَرُ الاكْبَرَ و قد كانت صدرت مني فتي و بهذا طويلة لكن هذا مضمنها وان من لا عذر له في الدخول لارض الحرب او بالبقاء بها فهو المذموم واما من له عذر فله عذر بحسب ذلك العذر و من اتقى جهده اعظم الله اجره قال الله عز و جل وَ من يَعْمَلْ مثْقَالَ ذرة خيراً يَرَ ه و مَنْ يَعْمَلَ مثقال ذرةٍ شَراً يَرَه و الثايب من الذنب كمن لاذنب له إذً لا ذنب اعظم من الكفر والله يقول قل للذين كَفَرَوا أَنْ يَنْتَهَوا يَغْفِرْ لهم ما قد سلف وكتب بيد المواق غرناطه حرسها الله

Appendix F:

Original Of A Fatwa Of Muhammad Al-Mawwaq

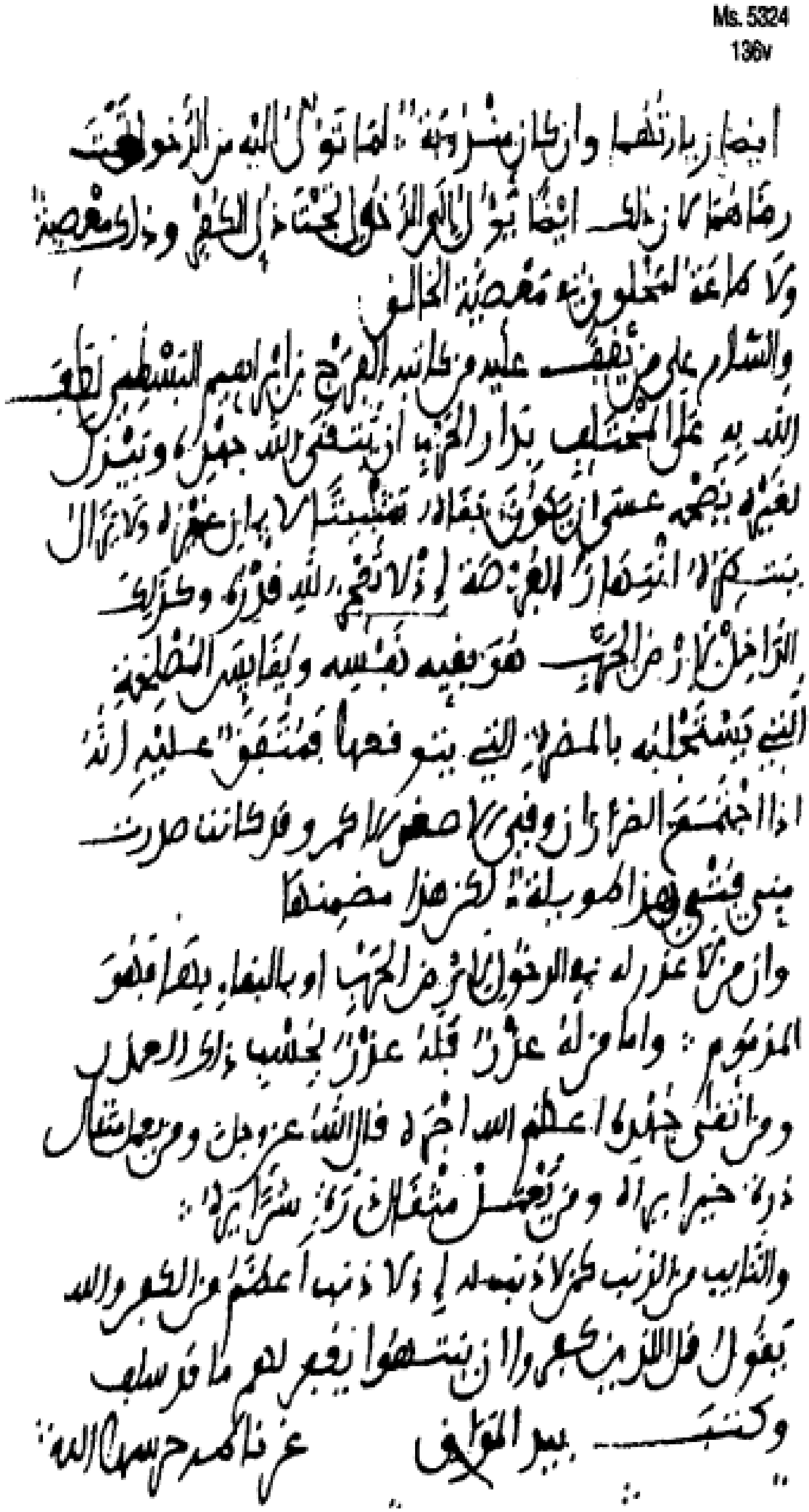
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الحمد لله   مسئلة

الشريف
سيدي رضي الله عنكم وامتع المسلمين بطول حياتكم جوابكم
في رجلين له والدان او احدهما ببلاد الحرب هل يجب عليه او يجوز
او يستحب ان يتركهما او لا وان ادى ذلك الى ضياعهما وان قلتم
بالاول فهل يجوز رجوعه او يجب او يمكنه [illegible] لذلك
ووصله [illegible] وان كان [illegible] ولاية النصارى واحكامهم في القرى في
شيئا ان كان يخشى على نفسه وما الحكم رضي الله عنكم
في ساكن بلاد الحرب بداره وجاره هل يجب عليه الخروج وان ادى
ذلك الى انه يشقى و[illegible] في بلاد المسلمين او يستحب
له ذلك او يجوز بينوا لنا نص ذلك وحيث سواء [illegible]
والا فيما اقام الله عندكم بينوا لنا وجه الاقتضاء
وما عولتم عليه والله يجزل ثوابكم ويديم بشركم ويجعله خالصا
لوجهه الكريم والسلام عليكم ورحمة الله [illegible]

الحمد لله والصلاة والسلام على محمد رسول الله
الجواب وبالله التوفيق
ان [illegible] ان كان قادرا على الهجرة والخروج من دار
الحرب وارض الشرك من غير عذر ولا خوف فلا يجوز له
المقام بها وان ادى ذلك لتشتت [illegible]
فقد هاجر اصحاب رسول الله صلى الله عليه وسلم وتركوا ما لهم
وكان جماعة من اهل الصفة منهم يعيش من صدقات المسلمين
وكان النبي عليه السلام اذا اتته صدقة ارسل بها اليهم
ولا يجوز [illegible] ان يرحل اليهما الا لزيارة ولا
[illegible] واجبا وان كان غير قادر
على الهجرة و[illegible] على اخراجهما و[illegible] من دار
الكفر فذلك متعين عليه وان لا فلا يجوز له ايضا

Continuation of Appendix F:


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أيضا زيارتها وإن كان مشروعة لما تؤول إليه من الدخول تحت
رضاهم لا زال ذلك أيضا يؤول إلى الدخول تحت ذل الكفر ودار معصية
ولا طاعة لمخلوق في معصية الخالق
والسلام على من يقف عليه من كاتبه [illegible] بن إبراهيم [illegible] لطف
الله به حمل المختلف بدار الحرب أن يتقي الله جهده ويبذل
لغيره بنفسه عسى أن يكون بمقدار [illegible] لا بأس عذره ولا [illegible]
[illegible] الانتصار العرضة إذ لا يعجز الله فراره وكذلك
الداخل لأرض الحرب فهو يغيّر نفسه ويقابل المظلمة
التي يشتغل بالمضرة التي يتوقعها مستوقف عليه إنه
إذا اجتمع الضرران وقي الأصغر للأكبر وقد كانت صدرت
مني فتيا في هذه المسألة لكن هذا مضمنها
وإن من لا عذر له في الدخول لأرض الحرب أو بالبقاء بها فهو
المذموم. وأما من له عذر فله عذر بحسب ذلك العمل
ومن اتقى جهده أعظم الله أجره قال الله عز وجل ومن يعمل مثقال
ذرة خيرا يره ومن يعمل مثقال ذرة شرا يره
والتائب من الذنب كمن لا ذنب له إذ لا ذنب أعظم من الكفر والله
يقول قل للذين كفروا إن ينتهوا يغفر لهم ما قد سلف
وكتب بيد المؤلف عن ناظمه حرسها الله

Appendix G:

Luis Del Marmol Y Carajval Accounting of the Granada Capitulations in his "Historia de la Rebelion y Castigo de los Moriscos" from which, I have excluded non-pertinent clauses which he listed, such as which gate people should surrender through etc. The capitulations presented here are less than what is officially agreed upon which is 67 capitulations:

1. *First, the Muslim king and The Qaid's [mayors/governors] and Faqihs, Qadis, [Islamic Lawyers] , Muftis, Ministers and wise men, and all of the commanders and men of substance, and all commoners of the city of Granada and Albaicin*[318] *and its surrounding areas, shall, with love, peace and goodwill, real in agreement and work ,within the next forty days turn over to their Highnesses or to their agent the fortress of the Alhambra [Al Hamra'] and Alhizán, with all its towers and gates, and all the other fortresses, towers and gates of the city of Granada and the Albaicin and the surrounding areas extending to the countryside, so that they may occupy them in their name with their people and at their will,on condition that orders be issued to the justices that they should not permit the Christians to climb onto the wall between the Alcazaba*[319] *and the Albaicin from where the Muslims houses may be seen; and if anybody should climb up there, he should be punished immediately and sternly.*
2. *At the end of the forty days, all the Muslims shall surrender to their Highnesses freely and without coercion, and they shall do what good and loyal vassals are obliged to do for the their kings and natural lords. And to assure secure conditions during this surrender, one day ahead of surrendering the fortresses, they shall offer as hostages the minister Yusuf Ibn Kumasha*[320]*, with five hundred persons, children and siblings of the leading citizens of the city and of the Albaicin and its surrounding areas, so that they may remain under the power of their Highness for ten days, while the fortresses are surrendered and secured. Placing people and supplies in them, and during all of this time they shall be given everything they need for their sustenance; and once all is surrendered, they will be freed.*
3. *Once the fortresses are surrendered, Their Highnesses and the prince, Don juan, their son, shall, for themselves and for the monarchs who succeed them, receive as vassals and natural subjects the King Abu Abdullah and the Qa'id's, Qadi's, Faqih's, Mufti's, learned men, commanders and squires, and all the greater and lesser common people, including men and women, inhabitants of Granada and the Albaicin and its surrounding areas and its fortresses, villages and other places and also of the Alpujarras [region] and of other places that shall fall under this accord and treaty in any way, and they shall be allowed to stay in their houses, estates, and inherited properties at that time and forever, and they will not allow any harm or damage to be done to them without intervening…Nor shall their goods or their estates be taken away from them, nor even any part of them; but rather they will be revered, honored, and respected by their subjects and vassals, as are all of those who live under their government and rule…*
4. *On that day when King Abu Abdullah shall surrender the fortresses and towers, Their Highnesses shall order that his son shall be returned to him, along with all the hostages, and their wives and children, except those who have become Christians.*

[318] In 1498 the city of Garnata was divided into Catholic and Muslim halves. Al Bayyazin [Albaicin], (which is within Garnata) was the Muslim half. In Arabic it is rendered as Ribad Al Bayyazin, or Falconers Quarter

[319] An an adjoining suburb with Albaicin. In Arabic القصبة, or Al Qasbah, or the old part of the city.

[320] Leader of the powerful tribe of Banu Siraj

5. *Their Highnesses and their successors forever shall let King Abu Abdullah and his Qa'id's, Qadi's, Mufti's, Minister's, Commanders, and other men of substance and all the greater and lesser commoners live under their law, and they shall not allow anyone to remove their Mosques or minarets or muezzins, nor shall they take away the Awqaaf,[Islamic endowment/trust], and the income they receive from them, nor shall they interfere with their ways and customs.*
6. *The Muslims shall be judged under their laws and Courts by way of Shariah they are accustomed to observing, under the authority of their Qadi's and Judges.*
7. *Neither at this time nor at any future time shall [their highnesses] take their arms and horses away, or allow these to be taken away, except for their large and small artillery, which they must promptly turn over to agents sent by their highnesses.*
8. *All of the Muslims, great and small, men and women, from Granada and its lands as well as Alpujarras and all its places, who shall want to go live in the Barbary lands*[321] *or any other place they wish may sell their estates, furniture, and goods in any way they wish and to whomever they wish, and neither Their Highnesses nor their successors shall ever take away or permit to take away these things from those who purchased them, and that if their Highnesses have the desire to buy [these items], they can take according to as much as to be equitable, and If they [the residents] are not staying in the city, they may appoint people[in Garnata] with the power to do so [to have power of attorney to take care of their affairs].*
9. *Their Highnesses shall give free and safe passage to those Muslims who may wish to go to the Barbary Coast or other places, along with their families, movable goods, merchandise, jewels, gold, silver, and all types of weapons except for artillery. And for those who may wish to go, they shall provide ten large ships that will take them where they want to go for seventy days, leaving them free and safe in the ports of the Barbary coast where Christian merchant ships are accustomed to going to trade. Moreover, all those who shall wish to go within three years may do so, and their Highnesses shall send ships wherever they ask to go, giving them safe passage, as long as they are requested fifty days in advance, and will not be charged freight nor anything else for it.*
10. *Once these three years are up, they may still go to the Barbary Coast whenever they wish, and they shall be allowed to do so upon payment of one Ducat*[322] *per person plus the cost of the passage in the ships in which they travel.*
11. *That if the Muslims that would like to go to the Barbary coast are unable to sell their real estate held in the city of Granada, Albaicin and its suburbs, and in the Alpujarras and elsewhere, they can leave it to other people with the power to collect income , And all that rent income can be sent to the owners in the Barbary coast where they are located, without being put to any impediment.*
12. *Neither Their Highnesses nor their son, the Prince Don Juan, nor those who succeed them shall ever order the Muslims who are their vassals to wear signs on their clothing, as the Jews wear.*
13. *Neither King Abdullah nor the other Muslims of the city of Granada or of the Albaicin and its surrounding areas shall pay taxes that are levied on houses and possessions for the next three years, and they shall only pay the harvest tax of one-tenth in August and autumn, and one tenth on cattle they had in April and May as the Christians are accustomed to paying.*

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[321] The Barbary Coast, or Barbary, was the term used by Europeans from the 16th until the 19th century to refer to the middle and western coastal regions of North Africa—what are now Morocco, Algeria, Tunisia, and Libya. The name is derived from the Berber people of north Africa.

[322] The ducat is a gold coin that was used as a trade currency throughout Europe before World War I. Its weight is 3.4909 grams of .986 gold, which is 0.1107 troy ounce, AGW, actual gold weight.

14. *At the time of the surrender of the city and its areas, the Muslims are obliged to turn over to their Highnesses all of the Christian captives, male and female, so that they may be freed without any kind of ransom being asked or given…*
15. *Their Highnesses shall order that at no time shall either beasts of burden or servants be taken from King Abdullah, the Qa'id's, Qadi's, Mufti's, Ministers commanders for any reason without their approval and without their being compensated fairly.*
16. *They shall not allow any Christian to enter in the Masjid of the Muslims where they make Salat[pray], without the consent of their Fuqaha, and anyone who enters otherwise shall be punished for it.*
17. *Their Highnesses shall not permit Jews to have any power or authority over the Muslims, nor shall they be allowed to collect any kind of rent from them.*
18. *King Abdullah and his Qa'id's ,Qadi's, Faqih's, Mufti's, Ministers, wise men, commanders and squires, and all the common people of the city of Granada and the Albaicin and its surrounding areas, and of the Alpujarras and elsewhere shall be respected and well-treated by their Highnesses and ministers, and their views shall be heard and their customs and rituals guaranteed, and that all the Qa'id's and Faqih's shall be allowed to charge their rents and enjoy its privileges and liberties to which they are accustomed, and it is just that these thing be maintained.*
19. *Their Highnesses shall order that they shall not be forced to take in boarders, nor shall any clothing, birds, animals, or supplies of any kind be taken from the Moors without their consent.*
20. *Legal disputes that arise among Muslims shall be judged by their law and Shariah, which they call 'Sunna' and its Qadi's and Faqih's, as is their custom, and if a dispute arises between a Christian and a Muslim, judgement shall be made by one Christian official and a Muslim Qadi, so that neither party can complain about the verdict…*
21. *That if at any time the Moors who are captive in the hands of Christians, flee to the city of Granada or other places mentioned in the content of these capitulations, are free, and their owners may not seek them or send them to the judges, unless they are from canaries or negroes of Wolof*[323] *from their islands.*
22. *The Muslims shall not give or pay to Their Highnesses more tribute than they are accustomed to paying to the Muslim Kings.*
23. *That all the Muslims of Granada and its territory and the Alpujarras, and those that are in Barbary, will be given an initial term of three years to be included in the terms of the Capitulation if they wished to do so.*
24. *That if any Muslim were to go to Barbary and then find he did not like the way of life, their Highnesses will give you leave to three years to be able to do so, and enjoy all of the other capitulations as well.*
25. *Any Muslims accepting the Capitulations who wished to cross to North Africa for purposes of trade would be freely permitted to do so; also to any places in Castile or Andalusia, with no tolls to pay other than those commonly paid by Christians.*
26. *It shall not be allowed for any person to mistreat, by deed or by word, any Christian man or woman who, previous to this treaty, has converted to Islam; and if any Muslim has a wife who is a renegade[a Christian who converted to Islam]that person shall not be forced to become a Christian against her will, and she shall be interviewed in the presence of Christians and*

[323] The Wolof Empire was a medieval West African state that ruled parts of Senegal and The Gambia from 1360 to 1890 which had a sizeable Muslims presence. Best known in American Slavery research as a location where a large number of slaves were taken and shipped to the Americas (north and south), with close to 50% or more from this location being Muslims.

Muslims, and her will shall be followed; and the same will be done with boys and girls born to a Christian woman and a Muslim man.

27. *No Muslim shall be forced to become Christian against his will. And if a woman in love, either married or widow, should wish to become Christian, she shall not be allowed to convert until she is interviewed. And if she has taken away from her parents house. Clothing or jewels, these will be restored to the rightful owner, and guilty persons will be dealt with by the law.*
28. *Neither Their Highnesses nor their successors shall ever ask King Abdullah or those from Granada and its lands, nor the others who enter into this agreement, to give back horses, property, cattle, gold, silver, jewels, nor any other thing that was won in any way during the war and rebellion, either from Christians or from Muslims who are or are not Mudajjan. If any person recognized objects as theirs, they were not entitled to ask for them back and indeed could be punished if they did.*
29. *That if any Muslim injured or killed a Christian man or woman who was his captive, he will not be held accountable for it forever.*
30. *Once the three years are up, the Muslims shall not pay any greater amount in rent for estates and lands than it shall appear fair for them to pay in light of their value and quality.*
31. *The judges, officials, and governors Their Highnesses shall appoint in the city of Granada and its surrounding areas shall be persons who will honor the Muslims and treat them affectionately, and shall observe this treaty; if anyone should do anything improper, Their Highnesses shall order them to be replaced and punished.*
32. *Their Highnesses and their successors shall not ask or inquire of King Abdullah or any other person covered by this agreement about anything they have done, no matter what it is, previous to the day of the surrender of this city and its fortresses.*
33. *No military governor, squire or servant of the King Al Zagal shall have any position or authority at any time over the Kings of Muslims in Granada...*
34. *Their Highnesses order the preservation of the customs of the Muslims relating to inheritances, and that in such matters the judges will be their Qadi's*
35. *All Muslims other than those included in this agreement who desire to enter their highnesses' service within thirty days may do so and enjoy all the benefits of it, other than the three-year period of tax exemption.*
36. *The Awqaaf and the emoluments from the masajid, and the Zakat and other things customarily given to Madaris and schools where children are taught will be the responsibility of the Fuquha, to distribute them as they see fit, and that their Highnesses or his ministers, will not interfere in this nor any aspect of it, nor will they give orders with regard to their confiscation or sequestration at any time in the future.*
37. *The Muslims shall not be compelled or forced into any kind of military service against their will, and if Their Highnesses shall wish to recruit any cavalry, summoning them to any place in Andalusia[the Spanish province], they shall order them to be paid from the day they leave until they return to their homes.*
38. *Their Highnesses shall order the maintenance of the existing irrigation channels, ditches, and the fountains that go into Granada, and they shall neither alter them nor take any part of them; and should anyone do so or should anyone throw any dirty thing into them, they shall be punished for it.*
39. *That the butcher of the Christians be separated from those of the Muslims, and the supplies from one not be mixed together with those of the other, and if any do so will be punished for it.*
40. *The Jews who are natives of Granada and the Albaicin and its surrounding Areas and all other places covered by this agreement shall benefit from its contents, provided that those*

who do not convert to Christianity must leave for Barbary within three years, starting from December 8 of this year.

41. *Their Highnesses shall order that all that is contained in this treaty be observed starting from the day when the fortresses of the city of Garnata are surrendered moving forward. To which effect, they have commanded that their royal charter and deed should be signed with their names, and stamped with their seal, and witnessed by Hernando de Zafra, their secretary, and have so done, the actual date at the Vega of Granada, 28th day of the month of November of the year of our salvation 1491.*

Appendix H:

Luis Del Marmol Y Carajval full Accounting of the Granada Capitulations in his"Historia de la Rebelion y Castigo de los Moriscos" in the original Spanish:

1. *Primeramente, que el rey moro y los alcaides y alfaquís, cadís, meftís, alguaciles y sabios, y los caudillos y hombres buenos, y todo el comun de la ciudad de Granada y de su Albaicin y arrabales, darán y entregarán á sus altezas ó á la persona que mandaren, con amor, paz y buena voluntad, verdadera en trato y en obra, dentro de cuarenta dias primeros siguientes, la fortaleza de la Alhambra y Alhizán, con todas sus torres y puertas, y todas las otras fortalezas, torres y puertas de la ciudad de Granada y del Albaicin y arrabales que salen al campo, para que las ocupen en su nombre con su gente y a su voluntad, con que se mande á las justicias que no consientan que los cristianos suban al muro que está entre el Alcazaba y el Albaicin, de donde se descubren las casas de los moros; y que si alguno subiere, sea luego castigado con rigor.*
2. *Que cumplido el término de los cuarenta dias, todos los moros se entregarán á sus altezas libre y espontáneamente, y cumplirán lo que son obligados á cumplir los buenos y leales vasallos con sus reyes y señores naturales; y para seguridad de su entrega, un dia antes que entreguen las fortalezas darán en rehenes al alguacil Jucef Aben Comixa, con quinientas personas hijos y hermanos de los principales de la ciudad y del Albaicin y arrabales, para que estén en poder de sus altezas diez dias, mientras se entregan y aseguran las fortalezas, poniendo en ellas gente y bastimientos; en el cual tiempo se les dará todo lo que hubieren menester para su sustento; y entregadas, los pornán en libertad.*
3. *Que siendo entregadas las fortalezas, sus altezas y el príncipe don Juan, su hijo, por sí y por los reyes sus sucesores, recibirán por sus vasallos naturales, debajo de su palabra, seguro y amparo real, al rey Abí Abdilehi, y á los alcaides, cadís, alfaquís, meftís, sabios, alguaciles, caudillos y escuderos, y á todo el comun, chicos y grandes, así hombres como mujeres, vecinos de Granada y de su Albaicin y arrabales, y de las fortalezas, villas y lugares de su tierra y de la Alpujarra, y de los otros lugares que entraren debajo deste concierto y capitulación, de cualquier manera que sea, y los dejarán en sus Casas, haciendas y heredades, entonces y en todo tiempo y para siempre jamás, y no les consentirán hacer mal ni daño sin intervenir en ello justicia y haber causa, ni les quitarán sus bienes ni sus haciendas ni parte dello; antes serán acatados, honrados y respetados d e sus súbditos y vasallos, como lo son todos los que viven debajo de su gobierno y mando.*
4. *Que el día que sus altezas enviaren á tomar posesión de la Alhambra, mandarán entrar su gente por la puerta de Bib Lacha ó por la de Bibnest, ó por el campo fuera de la ciudad, porque entrando por las calles no hayan algun escándalo.*
5. *Que el dia que el rey Abí Abdilehi entregare las fortalezas y torres, sus altezas le mandarán entregar á su hijo con todos los rehenes, y sus mujeres y criados, excepto los que se hubieren vuelto cristianos.*
6. *Que sus altezas y sus sucesores para siempre jamás dejarán vivir al rey Abí Abdilehi y á sus alcaides, cadís, meftís, alguaciles, caudillos y hombres buenos y á todo el comun, chicos y grandes, en su ley, y no les consentirán quitar sus mezquitas ni sus torres ni los almuedanes, ni les tocarán en los habices y rentas que tienen para ellas, ni les perturbarán los usos y costumbres en que están.*
7. *Que los moros sean juzgados en sus leyes y causas por el derecho del xara que tienen costumbre de guardar, con parecer de sus cadís y jueces.*

8. *Que no les tomarán ni consentirán tomar agora m en ningun tiempo para siempre jamás, las armas ni los caballos, excepto los tiros de pólvora chicos y grandes, los cuales han de entregar brevemente á quien sus altezas mandaren.*
9. *Que todos los moros, chicos y grandes, hombres y mujeres, así de Granada y su tierra como de la Alpujarra y de todos los lugares, que quisieren irse á vivir á Berbería ó á otras partes donde les pareciere, puedan vender sus haciendas, muebles y raíces, de cualquier manera que sean, á quien y como les pareciere, y que sus altezas ni sus sucesores en ningun tiempo las quitarán ni consentirán quitar á los que las hubieren comprado; y que si sus altezas las quisieren comprar, las puedan tomar por el tanto que estuvieren igualadas, aunque no se hallen en la ciudad, dejando personas con su poder que lo puedan hacer.*
10. *Que á los moros que se quisieren ir á Berbería ó á otras partes les darán sus altezas pasaje libre y seguro con sus familias, bienes muebles, mercaderías, joyas, oro, plata y todo género de armas, salvo los instrumentos y tiros de pólvora; y para los que quisieren pasar luego, les darán diez navíos gruesos que por tiempo de setenta dias asistan en los puertos donde los pidieren, y los lleven libres y seguros á los puertos de Berbería, donde acostumbran llegar los navíos de mercaderes cristianos á contratar. Y demás desto, todos los que en término de tres años se quisieren ir, lo puedan hacer, y sus altezas les mandarán dar navíos donde los pidieren, en que pasen seguros, con que avisen cincuenta dias antes, y no les llevarán fletes ni otra cosa alguna por ello.*
11. *Que pasados los dichos tres años, todas las veces que se quisieren pasar á Berbería lo puedan hacer, y se les dará licencia para ello pagando á sus altezas un ducado por cabeza y el flete de los navíos en que pasaren.*
12. *Que si los moros que quisieren irse á Berbería no pudieren vender sus bienes raíces que tuvieren en la ciudad de Granada y su Albaicin y arrabales, y en la Alpujarra y en otras partes, los puedan dejar encomendados á terceras personas con poder para cobrar los réditos, y que todo lo que rentaren lo puedan enviar á sus dueños á Berbería donde estuvieren, sin que se les ponga impedimento alguno.*
13. *Que no mandarán sus altezas ni el príncipe don Juan su hijo, ni los que después dellos sucedieren, para siempre jamás, que los moros que fueren sus vasallos traigan señales en los vestidos como los traen los judíos.*
14. *Que el rey Abdilehi ni los otros moros de la ciudad de Granada ni de su Albaicin y arrabales no pagarán los pechos que pagan por razon de las casas y posesiones por tiempo de tres años primeros siguientes, y que solamente pagarán los diezmos de agosto y otoño, y el diezmo de ganado que tuvieren al tiempo del dezmar, en el mes de abril y en el de mayo, conviene á saber, de lo criado, como lo tienen de costumbre pagar los cristianos.*
15. *Que al tiempo de la entrega de la ciudad y lugares, sean los moros obligados á dar y entregar á sus altezas todos los captivos cristianos varones y hembras, para que los pongan en libertad, sin que por ellos pidan ni lleven cosa alguna; y que si algun moro hubiere vendido alguno en Berbería y se lo pidieren diciendo tenerlo en su poder, en tal caso, jurando en su ley y dando testigos como lo vendió antes destas capitulaciones, no le será mas pedido ni él esté obligado á darle.*
16. *Que sus altezas mandarán que en ningun tiempo se tomen al rey Ahí Abdilehi ni á los alcaides, cadís, meftís, caudillos, alguaciles ni escuderos las bestias de carga ni los criados para ningun servicio, si no fuere con su voluntad, pagándoles sus jornales justamente.*
17. *Que no consentirán que los cristianos entren en las mezquitas de los moros donde hacen su zalá sin licencia de los alfaquís, y el que de otra manera entrare será castigado por ello.*
18. *Que no permitirán sus altezas que los judíos tengan facultad ni mando sobre los moros ni sean recaudadores de ninguna renta.*

19. *Que el rey Abdilehi y sus alcaides, cadís, alfaquís, meftís, alguaciles, sabios, caudillos y escuderos, y todo el comun de la ciudad de Granada y del Albaicin y arrabales, y de la Alpujarra y otros lugares, serán respetados y bien tratados por sus altezas y ministros, y que su razón será oida y se les guardarán sus costumbres y ritos, y que á todos los alcaides y alfaquís les dejarán cobrar sus rentas y gozar de sus preeminencias y libertades, como lo tienen de costumbre y es justo que se les guarde.*
20. *Que sus altezas mandarán que no se les echen huéspedes ni se les tome ropa ni aves ni bestias ni bastimentos de ninguna suerte á los moros sin su voluntad.*
21. *Que los pleitos que ocurrieren entre los moros serán juzgados por su ley y xara, que dicen de la Zuna, y por sus cadís y jueces, como lo tienen de costumbre, y que si el pleito fuere entre cristiano y moro, el juicio dél sea por alcalde cristiano y cadí moro, porque las partes no se puedan quejar de la sentencia.*
22. *Que ningun juez pueda juzgar ni apremiará ningun moro por delito que otro hubiere cometido, ni el padre sea preso por el hijo, ni el hijo por el padre, ni hermano contra hermano, ni pariente por pariente, sino que el que hiciere el mal aquel lo pague.*
23. *Que sus altezas harán perdon general á todos los moros que se hubieren hallado en la prisión de Hamete Abí Alí, su vasallo, y asi á ellos como á los lugares de Cabtil, por los cristianos que han muerto ni por los deservicios que han hecho á sus altezas, no les será hecho mal ni daño, ni se les pedirá cosa de cuanto han tomado ni robado.*
24. *Que si en algun tiempo los moros que están captivos en poder de cristianos huyeren á la ciudad de Granada ó á otros lugares de los contenidos en estas capitulaciones, sean libres, y sus dueños no los puedan pedir ni los jueces mandarlos dar, salvo si fueren canarios ó negros de Gelofe ó de las islas.*
25. *Que los moros no darán ni pagarán á sus altezas mas tributo que aquello que acostumbran á dar á los reyes moros.*
26. *Que á todos los moros de Granada y su tierra y de la Alpujarra, que estuvieren en Berbería, se les dará término de tres años primeros siguientes para que si quisieren puedan venir y entrar en este concierto y gozar dél. Y que si hubieren pasado algunos cristianos captivos á Berbería, teniéndolos vendidos y fuera de su poder, no sean obligados a traerlos ni á volver nada del precio en que los hubieren vendido.*
27. *Que si el Rey ti otro cualquier moro después de pasado a Berbería quisiere volverse A España, no le contentando la tierra ni el trato de aquellas partes, sus altezas les darán licencia por término de tres años para poderlo hacer, y gozar destas capitulaciones como todos los demás.*
28. *Que si los moros que entraren debajo destas capitulaciones y conciertos quisieren ir con sus mercaderías A tratar y contratar en Berbería, se les dará licencia para poderlo hacer libremente, y lo mesmo en todos los lugares de Castilla y de la Andalucía, sin pagar portazgos ni los otros derechos que los cristianos acostumbran pagar.*
29. *Que no se permitirá que ninguna persona maltrate de obra ni de palabra á los cristianos ó cristianas que antes destas capitulaciones se hobieren vuelto moros; y que si algun moro tuviere alguna renegada por mujer, no será apremiada á ser cristiana contra su voluntad, sino que será interrogado en presencia de cristianos y de moros, y se seguirá su voluntad; y lo mesmo se entenderá con los niños y niñas nacidos de cristiana y moro.*
30. *Que ningun moro ni mora serán apremiados á ser cristianos contra su voluntad; y que si alguna doncella ó casada ó viuda, por razon de algunos amores, se quisiere tomar cristiana, tampoco será recebida hasta ser interrogada; y si hubiere sacado alguna ropa ó joyas de casa de sus padres ó de otra parte, se restituirá á su dueño, y serán castigados los culpados por justicia.*

31. *Que sus altezas ni sus sucesores en ningun tiempo pedirán al rey Abí Abdilehi ni á los de Granada y su tierra, ni á los demás que entraren en estas capitulaciones, que restituyan caballos, bagajes, ganados, oro, plata, joyas, ni otra cosa de lo que hubieren ganado en cualquier manera durante la guerra y rebelion, así de cristianos como de moros mudejares ó no mudejares; y que si algunos conocieren las cosas que les han sido tomadas, no las puedan pedir; antes sean castigados si las pidieren.*
32. *Que si algun moro hobiere herido ó muerto cristiano ó cristiana siendo sus captivos, no les será pedido ni demandado en ningun tiempo.*
33. *Que pasados los tres años de las franquezas, no pagarán los moros de renta de las haciendas y tierras realengas mas de aquello que justamente pareciere que deben pagar conforme al valor y calidad dellas.*
34. *Que los jueces, alcaldes y gobernadores que sus altezas hubieren de poner en la ciudad de Granada y su tierra, serán personas tales que honrarán á los moros y los tratarán amorosamente, y les guardarán estas capitulaciones; y que si alguno hiciere cosa indebida, sus altezas lo mandarán mudar y castigar.*
35. *Que sus altezas y sus sucesores no pedirán ni demandarán al rey Abdilehi ni á otra persona alguna de las contenidas en estas capitulaciones, cosa que hayan hecho, de cualquier condicion que sea, hasta el dia de la entrega de la ciudad y de las fortalezas.*
36. *Que níngun alcaide, escudero ni criado del rey Zagal no terná cargo ni mando en ningun tiempo sobre los moros de Granada.*
37. *Que por hacer bien y merced al rey Ahí Abdilehi y á los vecinos y moradores de Granada y de su Albaicin y arrabales, mandarán que todos los moros captivos, así hombres como mujeres, que estuvieren en poder de cristianos, sean libres sin pagar cosa alguna, los que se hallaren en la Andalucía dentro de cinco meses, y los que en Castilla dentro de ocho; y que dos dias después que los moros hayan entregado los cristianos captivos que hubiere en Granada, sus altezas les mandarán entregar doscientos moros y moras.* Y demás desto pondrán en libertad á Aben Adrami, que está en poder de Gonzalo Hernandez de Córdoba, y á Hozmin, que está en poder del conde de Tendilla, y á Reduan, que lo tiene el conde de Cabra, y á Aben Mueden y al hijo del alfaquí Hademi, que todos son hombres principales vecinos de Granada, y á los cinco escuderos que fueron presos en la rota de Brahem Abenc errax, sabiéndose dónde están.
38. *Que todos los moros de la Alpujarra que vinieren á servicio de sus altezas darán y entregarán dentro de quince días todos los captivos cristianos que tuvieren en su poder, sin que se les dé cosa alguna por ellos; y que si alguno es tuviere igualado por trueco que dé otro moro, sus altezas mandarán que los jueces se lo hagan dar luego.*
39. *Que sus altezas mandarán guardar las costumbres que tienen los moros en lo de las herencias, y que en lo tocante á ellas serán jueces sus cadís.*
40. *Que todos los otros moros, demás de los contenidos en este concierto, que quisieren venirse al servicio de sus altezas dentro de treinta dias, lo puedan hacer y gozar dél y de todo lo en él contenido, excepto de la franqueza de los tres años.*
41. *Que los habices y rentas de las mezquitas, y las limosnas y otras cosas que se acostumbran dar á las mudarazas y estudios y escuelas donde enseñan á los niños, quedarán á cargo de los alfaquís para que los destribuyan y repartan como les pareciere, y que sus altezas ni sus ministros no se entremeterán en ello ni en parte dello, ni mandarán tomarlas ni depositarías en ningun tiempo para siempre jamás.*
42. *Que sus altezas mandarán dar seguro á todos los navíos de Berbería que estuvieren en los puertos del reino de Granada, para que se vayan libremente, con que no lleven ningun cristiano cautivo, y que mientras estuvieren en los puertos no consentirán que se les haga*

agravio ni se les tomará cosa de sus haciendas; mas si embarcaren ó pasaren algunos cristianos captivos, no les valdrá este seguro, y para ello han de ser visitados a la partida.

43. *Que no serán compelidos ni apremiados los moros para ningun servicio de guerra contra su voluntad, y si sus altezas quisieren servirse de algunos de á caballo, llamándolos para algun lugar de la Andalucía, les mandarán pagar su sueldo desde el día que salieren hasta que vuelvan á sus casas.*
44. *Que sus altezas mandarán guardar las ordenanzas de las aguas de fuentes y acequias que entran en Granada, y no las consentirán mudar, ni tomar cosa ni parte dellas; y si alguna persona lo hiciere, ó echare alguna inmundicia dentro, será castigado por ello.*
45. *Que si algun cautivo moro, habiendo dejado otro moro en prendas por su rescate, se hubiere huido á la ciudad de Granada ó á los lugares de su tierra, sea libre, y no obligado el uno ni el otro á pagar el tal rescate, ni las justicias le compelan á ello.*
46. *Que las deudas que hubiere entre los moros con recaudos y escrituras se mandarán pagar con efeto, y que por virtud de la mudanza de señorío no se consentirá sino que cada uno pague lo que debe.*
47. *Que las carnicerías de los cristianos estarán apartadas de las de los moros, y no se mezclarán los bastimentos de los unos con los de los otros; y si alguno lo hiciere, será por ello castigado.*
48. *Que los judíos naturales de Granada y de su Albaicin y arrabales, y los de la Alpujarra y de todos los otros lugares contenidos en estas capitulaciones, gozarán dellas, con que los que no hubieren sido cristianos se pasen á Berbería dentro de tres años, que corran desde 8 de diciembre deste año.*
49. *Y que todo lo contenido en estas capitulaciones lo mandarán sus altezas guardar desde el dia que se entregaren las fortalezas de la ciudad de Granada en adelante.* De lo cual mandaron dar, y dieron su carta y provision real firmada de sus nombres, y sellada con su sello, y refrendada de Hernando de Zafra, su secretario, su fecha en el real de la vega de Granada, á 28 dias del mes de noviembre del año de nuestra salvación 1491.

Appendix I:

Imam Maqri's list of the 1492 Capitulation of Granada: (Source: Al Nafh Al Tib)

1. *That both great and small should be perfectly secure in their persons, families, and properties.*
2. *That they should be allowed to continue in their dwellings and residences, whether in the city, the suburbs, or any other part of the country.*
3. *That their laws should be preserved as they were before, and that no-one should judge them except by those same laws.*
4. *That their mosques, and the religious endowments appertaining to them, should remain as they were in the times of Islam.*
5. *That no Christian should enter the house of a Muslim, or insult him in any way.*
6. *That no Christian or Jew holding public offices by the appointment of the late Sultan should be allowed to exercise his functions or rule over them.*
7. *That all Muslim captives taken during the siege of Granada, from whatever part of the country they might have come, but especially the nobles and chiefs mentioned in the agreement, should be liberated.*
8. *That such Muslim captives as might have escaped from their Christians masters, and taken refuge in Granada, should not be surrendered; but that the Sultan should be bound to pay the price of such captives to their owners.*
9. *That all those who might choose to cross over to Africa should be allowed to take their departure within a certain time, and be conveyed thither in the king's ships, and without any pecuniary tax being imposed on them, beyond the mere charge for passage, and*
10. *That after the expiration of that time no Muslim should be hindered from departing, provided he paid, in addition to the price of his passage, the tithe of whatever property he might carry along with him.*
11. *That no-one should be prosecuted and punished for the crime of another man.*
12. *That the Christians who had embraced Islam should not be compelled to relinquish it and adopt their former creed.*
13. *That any Muslim wishing to become a Christian should be allowed some days to consider the step he was about to take; after which he is to be questioned by both a Muslim and a Christian judge concerning his intended change, and if, after this examination, he still refused to return to Islam, he should be permitted to follow his own inclination.*
14. *That no Muslim should be prosecuted for the death of a Christian slain during the siege; and that no restitution of property taken during this war should be enforced.*
15. *That no Muslim should be subject to have Christian soldiers billeted upon him, or be transported to provinces of this kingdom against his will.*
16. *That no increase should be made to the usual imposts, but that, on the contrary, all the oppressive taxes lately imposed should be immediately suppressed.*
17. *That no Christian should be allowed to peep over the wall, or into the house of a Muslim or enter a mosque.*
18. *That any Muslim choosing to travel or reside among the Christians should be perfectly secure in his person and property.*
19. *That no badge or distinctive mark be put upon them, as was done with the Jews and Muddajan.*
20. *That no muezzin should be interrupted in the act of calling the people to prayer, and no Muslim molested either in the performance of his daily devotions or in the observance of*

his fast, or in any other religious ceremony; but that if a Christian should be found laughing at them he should be punished for it.

21. *That the Muslims should be exempted from all taxation for a certain number of years.*
22. *That the Lord of Rome, the Pope, should be requested to give his assent to the above conditions, and sign the treaty himself.*

Appendix J:

Ghazali's fatwa and letter to Yusuf Bin Tashin and Imam Tartushi's letter to Ibn Tashfin

Fatwa of al- Ghazali about Yusuf Bin Tashfin, and Kings of the States and about the Abbasid Khilafa, (Source: 'Dirasat Tarikh fi Al-Maghrib Wa Al-Andalus' by Dr. Al Abbadi):

فتوى الغزالي في موقف كل من يوسف بن تاشفين،و ملوك الطوائف، والخلافة العباسية.

فأجاب الإمام الغزالى رضوان الله عليه:

لقد سمعت من لسانه و هو الموثوق به الذي يستغنى مع شهادته عن غيره، و عن طبقه من ثقاة المغرب الفقهاء و غيرهم، من سيرة هذا الأمير أكثر الله فى الأمراء أمثاله، ما أوجب الدعاء لأمثاله. و لقد اصاب الحق في إظهار الشعار الإمامى المستظهرى، حرس الله على المستظهرين ظلاله، و هذا هو الواجب على كل ملك استولى على قطر من أقطار المسلمين فى مشارق الأرض و مغاربها، فعليهم تزيين منابرهم بالدعاء للامام الحق، و إن لم يكن قد بلغهم صريح التقليد من الإمام أو تأخر عنهم ذلك لعائق، و إذا نادى الملك المستولى بشعار الخلافة العباسية، وجب على كل الرعايا و الرؤساء

الإذعان و الانقياد، و لزمهم السمع و الطاعة و عليهم أن يعتقدوا أن طاعة هي طاعة الإمام، و مخالفته مخالفة الإمام، و كل من تمرد و استعصى وسل يده عن الطاعة، فحكمه حكم الباغى، و قد قال الله تعالى <و إن طائفتان من المؤمنين اقتتلوا فأصلحوا بينهما فان بغت إحداهما على الأخرى فقاتلوا التي تبغي حق تفيء إلى أمر الله [324]، و الفيئة إلى أمر الله، الرجوع إلى السلطان العادل المتمسك بولاء الإمام الحق المنتسب إلى الخلافة العباسية فكل متمرد على الحق، فإنه مردود بالسيف إلى الحق، فيجب على الأمير و أشياعه قتال هؤلاء المتمردة عن طاعته، لاسيما و قد استنجدوا بالنصارى المشركين أوليائهم، و هم أعداء الله فى مقابلة المسلمين الذين هم أولياء الله، فمن أعظم القربات قتالهم إلى أن يعودوا إلى طاعة الأمير العادل المتمسك بطاعة الخلافة العباسية.

و مهما تركوا المخالفة، وجب الكف عنهم، و إذا قاتلوا، لم يجز أن يتتبع مدبرهم، و لا أن يذفف [325] على جريحهم بل مهما سقطت شوكتهم و انهزموا، وجب الكف عنهم أعني عن المسلمين منهم دون النصارى الذين لا يبقى لهم عهد مع التشاغل بقتال المسلمين. و أما ما يظفر به من أموالهم فمردود عليهم أو على و ريثهم، و ما يؤخذ من نسائهم و ذراريهم فى القتال مهدرة لا ضمان فيها، و حكمهم بالجملة فى البغي على الأمير المتمسك بطاعة الخلافة، المستولى على المنابر و البلاد بقوة الشوكة، حكم الباغي على نائب الإمام.

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[324] صورة الحجرات اية رقم ٩

[325] ذنف و ذف (بتشديد الفاء) على الجريح، أجهز عليه

فإنه وأن تأخر عنه صريح التقليد لاعتراض العوائق المانعة من وصول المنشور بالتقليد فهو نائب بحكم قرينة الحال، إذ يجب على إمام المصر أن يأذن لكل إمام عادل استولى على قطر من أقطار الأرض، في أن يخطَب عليه، و ينادى بشعاره، و يحمل الخلق على العدل و النصفة، و لاينبغي أن يظن بالإمام توقف فى الرضا بذلك و الإذن فيه.

و إن توقف في كتبه المنشور، فالكتب قد يعوق عن إنشائها و إيصالها المعاذير. و أما الاذن و الرضى بعدما ظهر حال الأمير في العدل و السياسة و ابتغاء المصلحة للتفويض و التعيين، فلا رخصة فى تركه و قد ظهر حال هذا الأمير بالاستفاضة ظهورا لايشك فيه و ان لم يكن عن ايصال الكتاب و انشائه عائق و كانت هذه الفتنة لاتنطفىء الا بأن يصل إليهم صريع الأذن و التقليد بمنشورِ مقرون بما جرت العادة بمثله فى تقليد الأمراء فيجب على حضرة الخلافة بذل ذلك. فإن الامام الحق عائلة أهل الاسلام؛ و لا يحل له أن يترك فى أقطار الأرض فتنة ثائرة إلا و يسعى فى إطفائها بكل ممكن. قال عمر رضي الله عنه < لو تركت جرياه على ضفة الفرات لم تطل بالهناء [326] فانا المسؤل عنها يوم القيامة>. و قال سليمان بن عبد الملك يوما قد أحدق به الناس: <قد كثر الناس> فقال عمر بن عبد العزيز: <خصماؤك يا أمير المؤمنين> يعنى أنك مسؤول عن كل واحد منهم ان ضيعت حق الله فيهم أو أقمته، فلا رخصة في التوقف عن أطفاء الفتنة فى قرية تحوى عشرة. فكيف فى أقاليم و أقاليم الا أن يعوق عن ذلك عائق، و يمنع منه مانع، المواقف القدسية الأمامية المستظهرية حرس الله جلالها أبصر بها.

[326] الهناء اى انقطران

و نحن نعلم أن لا نستجيز التوقف على اطفاء هذه الفتنة إلا لعذر ظاهر وجب على أهل الغرب أن لا يعنقدوا فى حضرة الخلافة الا ذلك، فإن المسافة اذا بعدت و تخللها المارقون عن ربقة الحق، لم يبعد أن يقتضى الرأي الشريف صيانة الأوامر الشريفة عن أن تمد إليها أعين الدولة عن ايديهم.

و اما من يستجيز التوقف فيها عن غير عذر عن التقليد لأمير قد ظهرت شوكته و عرفت سياسته، و تناطقت الألسن بعدله، و لم يعرف فى ذلك القطر من بجرى مجراه. و يسد فى هذا الحال مسده، فهاذا اعتقاد فاسد فى حضرة الخلافة حاشاها من أن تنسب إلى قصور، [و تقتضى فى نصرة أهل العدل المتمسكين بخدمتها، و المعتصمين بعروتها، القائمين فى أقطار الأرض بانفاذ شعائرها وأوامرها المعلومة بقرائن الأحوال، فهذا حكم كل أمير عادل فى أقطار الأرض و حكم من بغى عليه، و الله اعلم.

Imam al Ghazali replied (May Allah be pleased him).

I heard from him [Abu Muhammad Ibn al-Arabi] - and he is trustworthy, one whose testimony is in no need of confirmation- and from a group of trustworthy *Fuquha* [jurisprudents] of the *magrhib* and some others about the conduct of this *Emir* [Yusuf B. Tashfin] - May Allah make more like him. And supplication for him is obligatory. And he has acted truthfully in proclaiming the slogan of the rule of Mustadhir[327], May Allah protect those put under His shade,

And this is the duty of upon all kings ruling over any part of the Muslim lands either in the East or the West, to make their pulpits decorated with supplications for the true imam. Even if the investiture [taqleed] of the Imam had not reached them or it was delayed because of some hindrance, when the king announces the establishment [slogan] of the Abbasid *khilafa*, then the obedience of the *khilafa* is incumbent upon all the leaders and the heads. They must listen and obey and firmly believe that obedience of the Abbasi *khalifa* is considered the obedience of the imam and his disobedience is considered the disobedience of the imam. And whoever rebels and disobeys the imam, the verdict applied to him is that of the *baaghi* [rebel/transgressor].

And Allah (سبحانه و تعلى) says:

﴿وَإِن طَآئِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُواْ فَأَصْلِحُواْ بَيْنَهُمَا فَإِن بَغَتْ إِحْدَاهُمَا عَلَى الأُخْرَى فَقَـــتِلُواْ الَّتِى تَبْغِى حَتَّى تَفِىءَ إِلَى أَمْرِ اللَّهِ﴾[328]

And if two parties among the believers fall to fighting, then make peace between them both. But if one of them outrages against the other, then fight you (all) against the one that which outrages till it complies with the command of Allah

And compliance of the command of Allah is to recognize [deferring to] the just sultan- the one who pledges loyalty of the true imam, associated with the Abbasid *khilafa*. Anyone who rebels against the truth, he will be repelled by the sword to the truth. So it is compulsory on the *Emir* and his party to fight those who are rebellious. More importantly they turn to their Christian *mushrikeen* allies [*awliyaa*] for aid- and they are the enemies of Allah against the Muslims, who are the *awliyaa* of Allah and one of the greatest forms of worship is to fight them until they return to the obedience of the just *Emir* who steadfastly obeys the Abbasid *khilafa*.

As long as they desist from disobedience [to the Imam] it is incumbent [upon] you to restrain from [fighting] them[329]. If they fight [you], it is not allowed to pursue [them when] they take flight [flee the battle],[330] nor to harm their wounded. But whenever their prowess declines and they are defeated then it is necessary to stop fighting them, and by that I mean the Muslims among them. This does not apply to the Christians who do not retain a covenant [from the Muslims]. The Muslims should not be preoccupied with fighting the Muslims.

[327] Abbasi Khalifa at the time
[328] Surah Al Hujaraat, Verse 9
[329] i.e. if they protest but do not fight you
[330] It means you you can not chase those who flee after fighting

And whatever is taken from their wealth must be returned to them or to their inheritors [in case they are not alive] and if their women and children are taken in the battle- there is no guarantee (muhdara) for them. Overall, the verdict of being disobedient to the *amir* who is obeying the caliph—the one who has the authority of the pulpits and the land— is the verdict is of the *baghi* [rebel] against the deputy imam[331].
And, he [Yusuf] although late in receiving his certificate of investiture [صريح التقليد] because of some impediments, it is understood from the situation that he is the deputy imam. So, it is compulsory upon the imam of *Misr* [Egypt] to allow the just imams who are governing any piece of land to sermonize him, and to give importance to the mottos of the *khalifa* and to make people be just and equitable, and it should not be thought of the [Abbasid] Imam that he does not consent and permit it [the above things].

If the decrees[332] [in favor of Yusuf Bin Tashfin] of the Imam are delayed in coming to you, it is due to excusable causes impeding the composition and transmission [of it]. As for the consent and approval after it is known about the justice and politics of the imam and seeking the benefit for which [he was] given authority over [*tafweed*], it is not allowed to leave it [i.e. not giving consent and approval of Yusuf Bin Tashfin] while we know everything about the *Emir* with extreme clarity and without doubts.

And if there was no problem for the delivery and composition of the proclamation, and the *fitna* couldn't be stopped unless the certificate of investiture and approval reached them, as it used be done according to the custom, then, it is compulsory on the *khalifa* to send that [certificate of investiture and approval], because the true imam is the sustainer of Muslims. And it is not allowed for him to leave any tumultuous *fitna* in any portion of the earth but, rather, he should subdue it, with all his strength. Umar (RA) said:

> If I left a dirty camel on the bank of the Euphrates, and I didn't take care of it, then I will be asked about it on the Day of Judgment.

Sulayman Ibn abd al Malik on a day that people crowded around [him], exclaimed:

> "So many people!"

Umar Ibn Abd Al Aziz told him:

> "[rather], your enemies [are many], Oh Amir al Mu'mineen."

[This] means, you are responsible for everyone of them to spread to them the right that Allah has given to them. So, if it is not allowed to cease putting out *fitna* in a village which contains ten, then how about the many regions, unless it [*fitna*] is restrained by a deterrent.

The stance of the pious leadership of the rule of Al Mustadhir, May Allah protect its [his leadership's] exalted status, What a state it is! [a state which rules by the Shari'ah]. We believe that it is not allowed to cease putting out the *fitna* unless there is an obvious excuse. And it is compulsory upon the people of *Maghrib* [*gharb*] to believe the same, because if the distance expands [considerably] and the renegades are interfering to prevent the splendor of the truth, it is not far from

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331 An *Emir* that has been deputed by the Imam of the Land
332 كتب المنشور

the noble judgment [of the *khilafa*] to protect the noble things, that the government should grasp it before it gets into the hands of apostates.

But the one who allows stopping it without any excuse for the (*taqleed*) of the Emir [Yusuf bin Tashfin] whose fame, glory and high position has become manifest, and his policy has become known, and the tongues have spoken about his justice, and there is nobody in that area [where the Emir is] to replace him, then it is a mistaken belief about the *khilafa*, may it be far from failure.

It calls for backing of the just people who serve the government, and the ones who hold fast to its noose, the ones who work in the lands to apply its mottos and orders according to the situations.
This is the judgment for any just Amir in any part of the earth, and this is the rule which should be applied on any *baaghi* [rebel]. And Allah Knows best

Excerpts from Imam Ghazali's letter to Yusuf Bin Tashfin (the beginning of the fatwa and the end of the fatwa containing formal niceties have been removed) (Source: Maria Vigueras Spanish translation in 'Las Cartas De Al-Gazali y Al-Turtosi Al Soberano Almoravid Yosuf B. Tasufin')[333]:

…When the eminent Alim and *faqih*, Abu Muhammad Abd Allah Bin Al Arabi Al Andalusi Al Ishbili, May Allah save him, arrived, he told [us] so many of his explanations and details, which filled all of Iraq with fragrance, therefore, he went as far as Baghdad, the seat of the *khilafa*, [and] constantly to issue accounts of the shame and humiliation of Muslims in Andalus, and the wars and their impediments [on the path] to reduce the dominance of Christians [*mushrikun*], that the people of Islam are increasingly afflicted with imprisonment, killings and depredations, getting treated badly, given their [the peoples] dissension and divergence of those [King] rebels [*tuwwar*], who were trying to get all the power and fighting for it.

Thus, between themselves, [they] depleted their armies, such were their struggles, disputes and rivalries. And they [*Muluk Al Tawaif*] took things as far as to turn to the Christians [*Al Nasara*], in their eagerness to attack [each other], while they established themselves in the very heart of Islam. They [the Christians] discovered all the secrets, so that all places, open or hidden [*Al tahayim wa al-l-agwar*], arrived in [Christian] control, they underwent tribute [*jizya*], paying for it in the worst way. When they exhausted their treasuries, they [the Christians] devoted [themselves] to plundering their wells [*manabil*] and take their fortresses [*ma'aqil*]. Then the Muslims requested help from The Emir [Yusuf b. Tashfin], 'Defender of the *Deen*[334],' who has combined [his voice with] the voice of the faithful [the Muslims], supporting the Emir Al Mu'mineen [the Abbasid *khalifa*], a descendant of [Al Abbas] The uncle of the Prophet, May Allah bless you, him and all.

At the same time as they asked him for some relief from those of [the *muluk al tawaif*] the rebels as already mentioned...[335]by double game with the Christians. [Yusuf b. Tashfin] agreed to the call, ran to help, crossed the sea in person, with his men and with their wealth, and fought *fee sabeelillah* as He deserves. *Al Hamdulillah*, [He] rewarded him the eradication of the Christians, retreating from the Muslim lands. And Allah bestows victory and establishment[336]!

He mentioned [Abu Bakr Ibn al-Arabi] how [Yusuf b.Tashfin] continued the fighting elsewhere [in Al Andalus], three years after his [first] famous campaign [of al-Zallaqa], dealing death to all Christians who came out to meet him in the Peninsula, [with] those [Christians] that were beyond their borders providing resources to their kings [min al-li-imdad jariYin Muluki-ha][337]...They [Christians] were armed detachments [*Saraya*] who intended to invade any part Muslim territory. Like that, Allah planted fear in the hearts of Christians, and so came to have no necessity for making camps of troops and soldiers [*jarra al-Asakar 'Wa-l-junüd*] and arm shipments [*Aqd al-alwiya' Wa -l-bunüd*].

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[333] The original in Arabic can be found in "*Al Wathaiq Majmuat dawriyya tusdiruha Mudiriyyat al-wathaiq al·Malikiyya,*" Vol. l. by Abd Al Wahaab Al Mansur, published in Rabat, 1976. It can also be found in Dr. Muhammad Abdullah Inan's book "*Al Mawsuah Al Aama Litaareekh Al Maghrib Wa Al Andalus*." I apologize in advance for translation errors from the Spanish to English translation.

[334] *Nasir Al Deen*

[335] The Spanish copy skips this part, since the translator could not read the text nor were notes as to its content appended to the manuscript he was using. On the bright side it is only one word that is missing.

[336] *Nasr wa Tamkeen*

[337] Owe duty to refer to the Christian troops which helped the *muluk al tawaif*

He [Ibn al-Arabi] recounted how those [King] rebelled, and likewise, we were informed of the power of the Emir [Yusuf b. Tashfin], the defender of *deen*, and how he defeated the Christian party, they [*Muluk Al Tawaif*] asked to be rid of taxes on the Muslims, [meaning] those taxes that [Christians] had imposed them, forcing them to pay a poll tax [jizya] which was to be delivered to them, pretending to maintain his [Yusuf b. Tashfin's] authority, and turned to favor the Christians, bringing warnings [intelligence] of the state of the Emir [Yusuf b. Tasufin] and encouraging them [Christians] to attack [Yusuf B. Tashfin]. When those [who were] sure of what they knew, many of them along with [good] Muslims, asked them to expel those [King] rebels there, restoring the country to the Muslims who had it before the spreading corruption. He did so, and when he took over, removed the unfair tax [*mazalim*], made apparent the signs of the religion, dispersed the corrupt, bringing in their place, righteous people, ordered jihad and cut off the aspirations of the depraved.

In addition, [Ibn al-Arabi] recounted the signs of nobility that have been clearly show [by Ibn Tashfin], to honor the people involved in *uloom* [*ahl al-ilm*], being generous with them and always talking with them, as well as his abiding by what was prescribed (*yuftüna*) in the rules of Allah, be He exalted, both in mandated prohibitions and recommendations to their mayors [*'ummal*] to listen and obey the wise.

He adorned their *minbars* in their territories, new and old, with *khutbas* on behalf of the Emir of the Mu'mineen, Allah favoured their supporters, and Muslims had given the *khalifa Bay'a* [pledge of allegiance], whereas previously they refused to do so, and to proclaim [*nida'*] the motto of the *khalifa*, plus other things that highlight his unique approach, the goodness of his actions and the nobility of his character. [Ibn al-Arabi] occupies an important rank in the field of knowledge and has strong intelligence and strong faith, which requires giving credit to all his references and to take his account as true, So all these virtues, which have raced to the *khalifa's* court, (May Allah bestow His favour upon his [Ibn Arabi's] supporters), have led to praise.

In addition, [Ibn al-Arabi] told us how a *taifa* [group] of rebels is left in the Al Sharqiya region[338] of Al Andalus, persisting in neither coming in his support nor following him, but [instead] are sworn[339] to the Christians [*Al Nasaara*], imploring their help. Meanwhile, Muslims clamour against them, and [ask] that they [the rebellious Muslims] be eliminated, and may Allah forgive them or destroy them.

This *A'lim* [Ibn Al Arabi] drafted a consultation when requested for a fatwa [*istifta*], which I have fulfilled according to the demand for the truth and [that which is] required by the *deen*. I had, with urgency, put myself on the way towards the *Hijaz*, and I left him [Ibn Arabi] to work in his endeavours to spread the noble manifesto emanating from the *khalifa's* court, containing words of gratitude for the actions of the Emir, the defender of the *deen*, [Yusuf b. Tashfin], his help at the Muslim border lands [Andalus], and expressed that all the territories of the *Maghrib* be delivered [*Taslim*] to his [person], so that he becomes his governor [*ra'is*] [governing] his subjects and [that] they submit to him, so those who go against his [Ibn Tashfin's] orders, go against the Emir Al Mu'mineen, a descendant of [Al Abbas] [who was] the uncle of the Prophet, and so, it is obvious that all Muslims should fight him...The Aalim, The Faqih Abu Muhammad [Ibn Al Arabi] with respect to the Emir [Yusuf b. Tashfin] and his Murabitun people, spread the message of the distinguished emir and of all the Murabitun to the holy sites of Makka, May Allah protect them, and was not content

[338] Eastern half of Andalus
[339] Allies

with this [just spreading the news of the Murabiteen and Yusuf Bin Tashfin], [so he] ordered all those present [in Makka], and the blessings of those prayers are expected, which they invoke in these sacred places and important sites of devotion. And he carried prayers for the Emir of his land, the glorious Emir Abu Sir Muhammad b. Abi Bakr, May Allah, (سبحانه), assist him. In the meanwhile he had recounted his virtue, good behaviour, and his help [provided] to the Muslims, which has provided relief to their [Muslims of Andalus] misery. We were all moved.

This Alim and the Faqih [Ibn al-Arabi] was summoned to the Court of Baghdad, for his piety and nobility, with the intention that he [Ibn Arabi] join [it], to honor the Court of *khilaafa*. But refused everything that would prevent him returning to that confine [of Al Andalus], where the *fard*[340] applies to fighting alongside the Emirs, May Allah, (سبحانه), aid them...

[340] The Spanish word used is *Debia* which I translated as obligation or duty. This would be the equivalent of *fard*. Nevertheless that is not conclusive.

Excerpts from Imam Tartushi's letter to Yusuf Bin Tashfin from 1098/1099 (the beginning of the fatwa and the end of the fatwa containing formal niceties have been removed) (Source: Maria Vigueras Spanish translation in 'Las Cartas De Al-Gazali y Al-Turtosi Al Soberano Almoravid Yosuf B. Tasufin')[341]**:**

…Abu Yaqub! No longer do you have quite as much time and strength left in you. You hair greys, and you are removed from this world and taken to the Hereafter to your meeting. Now has come the time of departure, your legs remain rigid and the agony comes with the truth, soon! soon!, to a life without death, towards youth without deterioration, towards health without illness! Allah (سبحانه و تعلى) says:

﴿وَلاَ تَحْسَبَنَّ الَّذِينَ قُتِلُواْ فِي سَبِيلِ اللّهِ أَمْوَاتًا بَلْ أَحْيَاء عِندَ رَبِّهِمْ يُرْزَقُونَ﴾[342]

Think not of those who are slain in Allah's way as dead. Nay they live, finding their sustenance in the presence of their Lord;

﴿فَرِحِينَ بِمَا آتَاهُمُ اللّهُ مِن فَضْلِهِ وَيَسْتَبْشِرُونَ بِالَّذِينَ لَمْ يَلْحَقُواْ بِهِم مِّنْ خَلْفِهِمْ أَلاَّ خَوْفٌ عَلَيْهِمْ وَلاَ هُمْ يَحْزَنُونَ﴾[343]

They rejoice in the bounty provided by Allah. And with regard to those left behind, who have not yet joined them, (in their bliss), the (Shaheed's) glory in the fact that on them is no fear nor have they (cause to) grieve.

﴿يَسْتَبْشِرُونَ بِنِعْمَةٍ مِّنَ اللّهِ﴾[344]

They rejoice on account of favour from Allah...

It has been narrated by Ibn Abbas that the Prophet, (صلَّى الله عليه وسلَّم), said:

[341] The original in Arabic can be found in 'Kitab Ansab Al Barbar.' I apologize in advance for translation errors from the Spanish to English translation.
[342] Surah Al Imran, Ayah 169
[343] Surah Al Imran, Ayah 170
[344] Surah Al Imran, Ayah 171. It continues "وَفَضْلٍ وَأَنَّ اللّهَ لاَ يُضِيعُ أَجْرَ الْمُؤْمِنِينَ…"

﴿لَمَّا أُصِيبَ إِخْوَانُكُمْ بِأُحُدٍ، جَعَلَ اللهُ أَرْوَاحَهُمْ فِي أَجْوَافِ طَيْرٍ خُضْرٍ، تَرِدُ أَنْهَارَ الْجَنَّةِ، وَتَأْكُلُ مِنْ ثِمَارِهَا، وَتَأْوِي إِلى قَنَادِيلَ مِنْ ذَهَبٍ فِي ظِلِّ الْعَرْشِ، فَلَمَّا وَجَدُوا طِيبَ مَشْرَبِهِمْ وَمَأْكَلِهِمْ، وَحُسْنَ مُتَقَلَّبِهِمْ قَالُوا: يَا لَيْتَ إِخْوَانَنَا يَعْلَمُونَ مَا صَنَعَ اللهُ لَنَا، لِئَلَّا يَزْهَدُوا فِي الْجِهَادِ، وَلَا يَنْكُلُوا عَنِ الْحَرْبِ، فَقَالَ اللهُ عَزَّ وَجَلَّ: أَنَا أُبَلِّغُهُمْ عَنْكُم﴾

When your brothers were killed in Uhud, Allah placed their souls inside green birds that tend to the rivers of Paradise and eat from its fruits. They then return to golden lamps hanging in the shade of the Throne. When they tasted the delight of their food, drink and dwelling, they said, `We wish that our brothers knew what Allah gave us so that they will not abandon Jihad or warfare.' Allah said, `I will convey the news for you.'[345]

And Allah (azza wa jal) said:

﴿وَلاَ تَحْسَبَنَّ الَّذِينَ قُتِلُواْ فِي سَبِيلِ اللّهِ أَمْوَاتًا بَلْ أَحْيَاء عِندَ رَبِّهِمْ يُرْزَقُونَ﴾[346]

Think not of those who are slain in Allah's way as dead. Nay they live, finding their sustenance in the presence of their Lord;

And also, He (سبحانه و تعلى) said:

﴿إِنَّ اللَّهَ اشْتَرَى مِنَ الْمُؤْمِنِينَ أَنفُسَهُمْ وَأَمْوَلَهُمْ بِأَنَّ لَهُمُ الّجَنَّةَ يُقَـتِلُونَ فِى سَبِيلِ اللَّهِ فَيَقْتُلُونَ وَيُقْتَلُونَ وَعْدًا عَلَيْهِ حَقًّا فِي التَّوْرَاةِ وَالإِنجِيلِ وَالْقُرْءانِ وَمَنْ أَوْفَى بِعَهْدِهِ مِنَ اللَّهِ فَاسْتَبْشِرُواْ بِبَيْعِكُمُ الَّذِى بَايَعْتُم بِهِ وَذَلِكَ هُوَ الْفَوْزُ الْعَظِيمُ﴾

[345] Imam Ahmad
[346] Surah Al Imran, Ayah 169

Verily, Allah has purchased of the believers their lives and their properties for (the price) that theirs shall be the Paradise. They fight in Allah's cause, so they kill and are killed. It is a promise in truth which is binding on Him in the Tawrah and the Injil and the Qur'an. And who is truer to his covenant than Allah Then rejoice in the bargain which you have concluded. That is the supreme success.[347]

And do not think that in trade with Allah, you could be the buyer, in case Allah [causes you to] lose it. Allah, be He exalted, says:

﴿يأَيُّهَا الَّذِينَ ءَامَنُواْ هَلْ أَدُلُّكُمْ عَلَى تِجَـــرَةٍ تُنجِيكُم مِّنْ عَذَابٍ أَلِيمٍ﴾

O you who believe! Shall I guide you to a trade that will save you from a painful torment[348]

And if it had been stopped here, the eyes would have stood looking for this transaction, as Allah, by His grace and favor, expressed His willingness in this regard, saying:

﴿تُؤْمِنُونَ بِاللَّهِ وَرَسُولِهِ وَتُجَـــهِدُونَ فِى سَبِيلِ اللَّهِ بِأَمْوَلِكُمْ وَأَنفُسِكُمْ ذَلِكُمْ خَيْرٌ لَّكُمْ إِن كُنتُمْ تَعْلَمُونَ﴾[349]

That you believe in Allah and His Messenger, and that you strive hard and fight in the cause of Allah with your wealth and your lives, that will be better for you, if you but know!

The Messenger of Allah (صلَّى الله عليه وسلَّم), said:

حَدَّثَنِي يَحْيَى عَنْ مَالِك عَنْ أَبِي الزِّنَادِ عَنْ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:

﴿مَثَلُ الْمُجَاهِدِ فِي سَبِيلِ اللَّهِ كَمَثَلِ الصَّائِمِ الْقَائِمِ الدَّائِمِ الَّذِي لَا يَفْتُرُ مِنْ صَلَاةٍ وَلَا صِيَامٍ حَتَّى يَرْجِعَ﴾

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[347] Surah Tawbah
[348] Surah Al Saff, Ayah 10
[349]

The Mujahid in Allah's Cause is like a person who fasts and prays continuously until he returns [from fighting][350]

It has been narrated that the Messenger of Allah (صلَّى الله عليه وسلَّم) said:

و حَدَّثَنِي عَنْ مَالِك عَنْ أَبِي الزِّنَادِ عَنْ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:

﴿تَكَفَّلَ اللَّهُ لِمَنْ جَاهَدَ فِي سَبِيلِهِ لَا يُخْرِجُهُ مِنْ بَيْتِهِ إِلَّا الْجِهَادُ فِي سَبِيلِهِ وَتَصْدِيقُ كَلِمَاتِهِ أَنْ يُدْخِلَهُ الْجَنَّةَ أَوْ يَرُدَّهُ إِلَى مَسْكَنِهِ الَّذِي خَرَجَ مِنْهُ مَعَ مَا نَالَ مِنْ أَجْرٍ أَوْ غَنِيمَةٍ﴾

Allah Guarantees him who leaves his home only to fight in His path and believing in His word, that He will admit him into Paradise [if martyred] or bring him back to his home, with what he gains of reward and spoils.[351]

And also:

حَدَّثَنَا أَبُو الْيَمَانِ أَخْبَرَنَا شُعَيْبٌ عَنْ الزُّهْرِيِّ قَالَ أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيَّبِ أَنَّ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ:

﴿وَالَّذِي نَفْسِي بِيَدِهِ لَوْلَا أَنَّ رِجَالًا مِنْ الْمُؤْمِنِينَ لَا تَطِيبُ أَنْفُسُهُمْ أَنْ يَتَخَلَّفُوا عَنِّي وَلَا أَجِدُ مَا أَحْمِلُهُمْ عَلَيْهِ مَا تَخَلَّفْتُ عَنْ سَرِيَّةٍ تَغْزُو فِي

[350] Imam Malik, Muwatta, hadith 849, Kitab al jihad
[351] Muwatta Imam Malik # 850 Kitab al jihad, Sahih Bukhari, Sunan Nisaai, Musnad Ahmad

سَبِيلِ اللَّهِ وَالَّذِي نَفْسِي بِيَدِهِ لَوَدِدْتُ أَنِّي أُقْتَلُ فِي سَبِيلِ اللَّهِ ثُمَّ أُحْيَا ثُمَّ أُقْتَلُ ثُمَّ أُحْيَا ثُمَّ أُقْتَلُ ثُمَّ أُحْيَا ثُمَّ أُقْتَلُ﴾[352]

Abu Hureyrah narrates:

By Him in Whose Hands my soul is! Were it not for some men amongst the believers who dislike to be left behind me and whom I cannot provide with means of conveyance, I would certainly never remain behind any Sariya' (army-unit) setting out in Allah's Cause. By Him in Whose Hands my life is! I would love to be martyred in Al1ah's Cause and then get resurrected and then get martyred, and then get resurrected again and then get martyred and then get resurrected again and then get martyred.

And:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ أَخْبَرَنَا مَالِكٌ عَنْ أَبِي الزِّنَادِ عَنْ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:

﴿وَالَّذِي نَفْسِي بِيَدِهِ لَا يُكْلَمُ أَحَدٌ فِي سَبِيلِ اللَّهِ وَاللَّهُ أَعْلَمُ بِمَنْ يُكْلَمُ فِي سَبِيلِهِ إِلَّا جَاءَ يَوْمَ الْقِيَامَةِ وَاللَّوْنُ لَوْنُ الدَّمِ وَالرِّيحُ رِيحُ الْمِسْكِ﴾

Abu Hureyrah narrates:

By He in whose hand my soul is! None of you is wounded in the way of Allah - and Allah knows best who is wounded in His Way, but that when the Day of Rising comes, blood will gush forth from his wound. It will be the colour of blood, but its scent will be that of musk.[353].

[Imam Ahmad recorded that] Anas b. Malik narrates that the Prophet said:

[352] Muwatta Imam Malik Kitab al Jihad, Also found in Sahih Bukhari, Hadith #: 2588
[353] Sahih Bukhari Kitab al Jihad Ahadith #: 36 and 237. Also in Sahih Muslim in Hadith #: 1876

عن أنس رضي الله تعالى عنه قال :

﴿غاب عمي أنس بن النضر عن قتال بدر ، فقال : يا رسول الله غبت عن أول قتال قاتلت المشركين ، لئين الله أشهدني قتال المشركين ليرين الله ما أصنع . فلما كان يوم أحد وانكشف المسلمون قال : اللهم إني أعتذر إليك مما صنع هؤلاء - يعني أصحابه - وأبرأ إليك مما صنع هؤلاء - يعني المشركين - ثم تقدم فاستقبله سعد بن معاذ فقال : يا سعد بن معاذ الجنة ورب النضر إني أجد ريحها من دون أحد ، قال سعد : فما استطعت يا رسول الله ما صنع ، قال أنس : فوجدنا به بضعاً وثمانين ضربة بالسيف أو طعنة برمح أو رمية بسهم ووجدناه قد قتل وقد مثل به المشركون فما عرفه أحد إلا أخته ببنانه قال أنس : كنا نرى أو نظن أن هذه الآية نزلت فيه وفي أشباهه﴾[354]

My paternal uncle Anas bin Al-Nadr, may Allah be pleased with him, after whom I was named, was not present with this Messenger of Allah at Badr, and this distressed him. He said: `The first battle at which the Messenger of Allah was present, and I was absent; if Allah shows me another battle with the Messenger of Allah, Allah will see what I will do!' He did not want to say more than that. He was present with the Messenger of Allah at Uhud, where he met Sa`d bin Mu`adh, may Allah be pleased with him. Anas, may Allah be pleased with him, said to him, `O Abu `Amr! Where are you going' He replied, `I long for the fragrance of Paradise and I have found it near the mountain of Uhud.' He fought them until he was killed, may Allah be pleased with him. Eighty-odd stab wounds and spear wounds were found on his body, and his sister, my paternal aunt Ar-Rabayyi` bint Al-Nadr said, `I only recognized my brother by his fingertips.' We used to think that the following Verse was revealed concerning him and other men of his sort:

[354] Sahih

﴿مِّنَ الْمُؤْمِنِينَ رِجَالٌ صَدَقُواْ مَا عَـــهَدُواْ اللَّهَ عَلَيْهِ فَمِنْهُمْ مَّن قَضَى نَحْبَهُ وَمِنْهُـمْ مَّن يَنتَظِرُ وَمَا بَدَّلُواْ تَبْدِيلاً﴾

Among the believers are men who have been true to their covenant with Allah; of them some have fulfilled their Nahbah[355]; and some of them are still waiting, but they have never changed in the least.[356]

Be aware, Abu Yaqub, that Allah, (SH), has established *jihad* upon all Muslims, and it is never abrogated by neither tyrant, distanced from orthodoxy, nor the unrighteous who are far from Allah, until the establishment of the Hour. He, Allah (*Azza wa jal*) says:

﴿قَـــتِلُواْ الَّذِينَ لاَ يُؤْمِنُونَ بِاللَّهِ وَلاَ بِالْيَوْمِ الاٌّخِرِ وَلاَ يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلاَ يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُواْ الْكِتَـــبَ حَتَّى يُعْطُواْ الْجِزْيَةَ عَن يَدٍ وَهُمْ صَـــغِرُونَ﴾

Fight against those who believe not in Allah, nor in the Last Day, nor forbid that which has been forbidden by Allah and His Messenger, and those who acknowledge not the religion of truth among the People of the Scripture, until they pay the Jizyah with willing submission, and feel themselves subdued[357]

And He did not absolve our people [Muslims] to fight the enemy, as long as they do not deliver *jizya* or accept Islam, because this verse abrogates any another verse in the Book of Allah, the exalted, concerning fighting against the *kuffaar*. Abu Bakr Al Siddiq (RA) narrates that, that the Messenger of Allah, (صلَّى الله عليه وسلَّم), said:

The Ummah does not leave jihad, except for punishment to arrive [upon] all [358]

You have an obligation, therefore, to fight the heretics [*kuffar*] on those frontiers of Islam close to you, because you're the [Muslim] king closest to them, and have horses [*kura'*] and weapons, influence, machines of war, Muslim armies and soldiers, all at your command. And, like you, all the warriors, fighters, with strength and power, which are your neighbours and nearby to you. And, you are in a critical moment to stop losing those Muslims, with their wives and children, who are on the

[355] Some of the scholars said Nahbah means "Met their appointed time (i.e., death)." Al-Bukhari said, Nahbah means their covenant and refers back to the beginning of the Ayah." "They died true to their covenant and loyal, and some are still waiting to die in a similar manner, and some of them have never changed in the least." This was also the view of Qatadah and Ibn Zayd. Some of other scholars said that the word Nahbah means a vow.

[356] Surah Ahzab, verse 23

[357] Surah Al Tawba, verse 29

[358]

borders of Al Andalus. How is it that you do not imitate the defenders and warriors of Islam who had [come] up there [Andalus], from the lands of hijaz, to conquer and extend in them the word of Islam and *tawheed*? What about, therefore, he who is close and is a neighbour of those regions?

Oh, Abu Yaqub!, If you want to defeat the enemy, you must be just to your subjects, as has been transmitted by Umar b. al-Khattab, (RA), that an emissary arrived to inform him of a victory, and Umar asked him:

> "At What time did fighting start?"
>
> He [the emissary] replied: "At the beginning of the day"
>
> [Umar (RA) asked]: "And when were they defeated?"
>
> [The emissary replied]: "At the end of the day"
>
> Umar (RA) then exclaimed:
>
> "From Allah we Came and to Him We Return!: And from morning to afternoon he resisted *shirk* [polytheism]? By Allah, there has not been a fault that he made after me or I've done after him, thus the government of Yemen is given to Ya'la B. Ummaya. You obtained victory because of his excellence.

Abu Bakr al-Siddiq (RA) narrates about his army of Syria:

> "Ten thousand soldiers or more were lost, and they were lost because of their sins; [so] beware of sinning"

I will give something better than the earth, full of gold, if you use it in fighting *fee sabilAllah*, and it is a *Hadith* which has been transmitted by one the true imams of the Messenger of Allah, (صلَّى الله عليه وسلَّم). Thus, [Imam] Muslim refers in his book 'Al-Sahih': Sa'd Bin Abi Waqqas narrates that the Messenger of Allah, (صلَّى الله عليه وسلَّم), said:

﴿حَدَّثَنَا يَحْيَى بْنُ يَحْيَى، أَخْبَرَنَا هُشَيْمٌ، عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ، عَنْ أَبِي عُثْمَانَ، عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ، قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ يَزَالُ أَهْلُ الْغَرْبِ ظَاهِرِينَ عَلَى الْحَقِّ حَتَّى تَقُومَ السَّاعَةُ﴾

> *It has been narrated by Sa'd b. Abu Waqqas that the Messenger of Allah (may peace be upon him) said: The people of the Maghrib will continue to triumphantly follow the truth until the Hour is established.*[359]

[359] Sahih Muslim, Kitab Al Imarah, Hadith 7605

Allah only knows if the Messenger Allah, (صلَّى الله عليه وسلَّم), referred to the confederation [*ma'sara*] of the Murabitun or all the people of *Maghrib*, and their obligation to accept the *Sunna* and the jama'a and maintained purity from heresies [*bida '*] and innovations in the *deen*, by following the examples of the *Salaf Al Salih*,(RA). I ask Allah to make you of those who remain [steadfast], preventing corruption in the land.

We were in this sacred land, May Allah aid it in their misfortunes, and we were exposed to hearing from you and what you were doing in Compliance with the Divine, *azza wa jal*, to fight the enemy, to strengthen His religion and His word, and all the *ulema*, *fuquha*, defenders (*huma '*) of the *deen*, devotees, ascetics, those devoted to Allah, The Most High, and us, were here, asking Allah, (subhaanhu), to give you His help and support, to achieve victory – likewise, you are seeking victory with the troops of the earth, [while] we were supplicating for you, with the troops of *jannah*[360]- when we arrived in this sacred land, the Faqih Abu Muhammad Abd Allah b. al-Arabi, his son and the Faqih Hafiz Abu Bakr b. Muhammad Abd Allah, and began to speak to all Halaqa's, meetings, people and congregations [about] your actions in the war against the enemy, May Allah, The Most High, annihilate them;

Your insistence on fighting and your steadfastness, your support for the *deen* and *Ahl Al Deen* [scholars?], and *fuqaha* and those who cultivate, making it grow in the care of Muslims, pray for you and give great consideration [to you], and [it] makes us desire to go to fight the heretics [*kuffar*] next to you, and increase the wealth of Muslims who follow you. Lord, who gives generously His bounty, we ask that you and we will be granted *shahada* in jihad. And humbly ask that you do see where the truth is, and follow that, and avoid the false as false...

[360] Reference to the Angels

Appendix K:

Lament for Seville (Courtesy of http://www.Muslimphilosophy.com/ip/seville-dual.htm)

رثـــــــــــــاء الأنـــــــــدلـــــس

1. لــكل شـــيءٍ إذا مـــا تــم نقصانُ فــلا يُــغرُّ بــطيب العيش إنسانُ

2. هـــي الأمـــورُ كـــما شاهدتها دُولٌ مَـــن سَـــرَّهُ زَمـــنٌ ساءَتهُ أزمانُ

3. وهـــذه الـــدار لا تُـــبقي على أحد ولا يـــدوم عـــلى حـــالٍ لها شان

4. يُــمزق الــدهر حــتمًا كل سابغةٍ إذا نــبت مــشْرفيّاتٌ وخُــرصانُ

5. ويــنتضي كــلّ سيف للفناء ولوْ كـــان ابنَ ذي يزَن والغمدَ غُمدان

6. أيــن الملوك ذَوو التيجان من يمنٍ وأيـــن مـــنهم أكـــاليلٌ وتيجانُ ؟

7. وأيـــن مـــا شـــاده شـــدَّادُ في إرمٍ وأين ما ساسه في الفرس ساسانُ ؟

8. وأيـــن مـــا حازه قارون من ذهب وأيـــن عـــادٌ وشـــدادٌ وقحطانُ ؟

9. أتـــى عـــلى الـــكُل أمر لا مَرد له حـــتى قَـــضَوا فكأن القوم ما كانوا

10. وصـــار ما كان من مُلك ومن مَلِك   كما حكى عن خيال الطّيفِ وسْنانُ

11. دارَ الـزّمانُ عـلى (دارا) وقاتِلِه   وأمَّ كـسـرى فـما آواه إيـوانُ

12. كـأنما الصَّعب لم يسْهُل له سببُ   يـومًا ولا مَـلكَ الـدُنيا سُـليمانُ

13. فـجائعُ الـدهر أنـواعٌ مُـنوَّعة   ولـلـزمان مـسرّاتٌ وأحـزانُ

14. ولـلـحوادث سُـلـوان يـسهلها   ومــا لـما حـلّ بالإسلام سُلوانُ

15. دهـى الـجزيرة أمرٌ لا عزاءَ له   هـوى لـه أُحـدٌ وانـهدْ ثهلانُ

16. أصابها العينُ في الإسلام فارتزأتْ   حـتى خَـلت مـنه أقطارٌ وبُلدانُ

17. فـاسأل (بلنسيةً) ما شأنُ (مُرسيةً)   وأيـنَ (شـاطبةٌ) أمْ أيـنَ (جيَّانُ)

18. وأيـن (قُـرطبة)ٌ دارُ الـعلوم فكم   مـن عـالمٍ قـد سما فيها له شانُ

19. وأين (حمْص)ُ وما تحويه من نزهٍ   ونـهرهُا الـعَذبُ فـياضٌ وملآنُ

20. قـواعدٌ كـنَّ أركـانَ الـبلاد فما   عـسى الـبقاءُ إذا لـم تبقَ أركانُ

21. تـبكي الحنيفيةَ البيضاءُ من أسفٍ   كـما بـكى لـفراق الإلفِ هيمانُ

22. عـلى ديـار مـن الإسلام خالية   قـد أقـفرت ولـها بالكفر عُمرانُ

23. حيث المساجد قد صارت كنائسَ ما   فـيـــهنَّ إلا نــواقيسٌ وصُـــلبانُ

24. حتى المحاريبُ تبكي وهي جامدةٌ   حــتى الــمنابرُ ترثي وهي عيدانُ

25. يــا غـــافلاً وله في الدهرِ موعظةٌ   إن كــنت فـــي سِنَةٍ فالدهرُ يقظانُ

26. ومـــاشيًا مــرحًا يــلهيه مــوطنهُ   أبـــعد حمصٍ تَغرُّ المرءَ أوطانُ ؟

27. تــلك الــمصيبةُ أنــستْ ما تقدمها   ومـــا لـــها مع طولَ الدهرِ نسيانُ

28. يا أيّها الملِكُ البيضاءُ رايَتُهُ   أدْرِكْ بِسيفِكَ أهلَ الكُفرِ، لا كانوا!

29. يــا راكـــبين عتاق الخيلِ ضامرةً   كـــأنها فـــي مـــجال السبقِ عقبانُ

30. وحــاملين ســيُوفَ الــهندِ مرهفةُ   كـــأنها فـــي ظـــلام الــنقع نيرانُ

31. وراتـــعين وراء الــبحر في دعةٍ   لــهم بـــأوطانهم عـــزٌّ وســـلطانُ

32. أعــندكم نــبأ مــن أهــل أندلسٍ   فــقد سرى بحديثِ القومِ رُكبانُ ؟

33. كم يستغيث بنا المستضعفون وهم   قـــتلى وأســـرى فما يهتز إنسان ؟

34. مـــاذا الــتقاطُع في الإسلام بينكمُ   وأنـــتمْ يـــا عـــبادَ الله إخـــوانُ ؟

35. ألا نــفـــوسٌ أبَّـــاتٌ لـــها هــممٌ   أمـــا عـــلى الخيرِ أنصارٌ وأعوانُ

36. يـــا مـــن لـــذلةِ قـــومٍ بعدَ عزِّهمُ — أحـــال حـــالهمْ جـــورُ وطُـــغيانُ

37. بـــالأمس كـــانوا ملوكًا في منازلهم — والـــيومَ هـــم في بلاد الكفرِّ عُبدانُ

38. فـــلو تـــراهم حيارى لا دليل لهمْ — عـــليهمُ مـــن ثـــيابِ الـــذلِ ألوانُ

39. ولـــو رأيـــتَ بـــكاهُم عـــندَ بيعهمُ — لـــهالكَ الأمـــرُ واستهوتكَ أحزانُ

40. يـــا ربَّ أمّ وطـــفلٍ حـــيلَ بينهما — كـــمـــا تـــفـــرقَ أرواحٌ وأبـــدانُ

41. وطفلةً مثل حسنِ الشمسِ إذ طلعت — كـــأنـــما يـــاقـــوتٌ ومـــرجـــانُ

42. يـــقودُها الـــعلجُ لـــلمكروه مكرهةً — والـــعينُ بـــاكيةُ والـــقلبُ حيرانُ

43. لـــمثل هـــذا يذوبُ القلبُ من كمدٍ — إن كـــان فـــي القلبِ إسلامٌ وإيمانُ

ابـــو الـــبـــقـــاء الـــرنـــدي

Appendix L:

English Translation for the Lament [For The Fall] of Seville by James T. Monroe (courtesy of Medieval Iberia Reader edited by Olivia Remie Constable):

(This translation includes line 28 which has been glaringly omitted from all other English translations of this work. I have highlighted in order that all may recognize it).

Little is known of Abu al-Baqa' al-Rundi, a poet from Ronda who died in 1285. This poem was written in the hope of gaining aid from Muslims in North Africa to help battle Christian armies. Although the fall of Seville is its theme, the text was actually written in 1267, after the Nasrid ruler Muhammad ibn al-Ahmar surrendered several cities to Alfonso X. The poet refers to events in ancient Arabian and Persian history as well as to the capture of Seville in his attempt to inspire military support.

1. Everything declines after reaching perfection, therefore let no man be beguiled by the sweetness of a pleasant life.
2. As you have observed, these are the decrees that are inconstant: he whom a single moment has made happy, has been harmed by many other moments;
3. And this is the abode that will show pity for no man, nor will any condition remain in its state for it.
4. Fate irrevocably destroys every ample coat of mail when *Mashrifi*[361] swords and spears glance off without effect;
5. It unsheaths each sword only to destroy it even if it be an Ibn Dhi Yazan and the scabbard Ghumdan[362]
6. Where are the crowned kings of Yemen and where are their jewel-studded diadems and crowns?
7. Where are [the buildings] Shaddad[363] raised in Iram[364] and where [the empire] the Sassanians ruled in Persia?
8. Where is the gold Qarun[365] once possessed; where are `Ad[366] and Shaddad[367] and Qahtan?[368]
9. An irrevocable decree overcame them all so that they passed away and the people came to be as though they had never existed.
10. The kingdoms and kings that had been came to be like what a sleeper has told about [his] dream vision.

[361] Mashrifi swords were proverbial for their excellence.
[362] Saif ibn Dhi Yazan was a pre-Islamic Yemenite king and Ghumdan was his castle.
[363] Shaddad was a king of legendary people of Âd of Hadramaut who built a city called "many-columned Iram" (cf. Al-Quran 89:6).
[364] Ibid
[365] Was one of Musa's people and transgressed. See Surah Al Qasas, Ayah 76.
[366] Ad is an ancient tribe, frequently mentioned in Quran. It was a mighty nation that lived immediately after the time of Noah, and became haughty on account of its great prosperity. The Prophet sent to them, their "brother" Hud, was treated by them just as Muhammad (صلّى الله عليه وسلّم) was treated by the Makkans, and on this account they were, with exception of Hud and a few pious men, swept out by a violent storm. cf. Quran 7:65; 11:50, 59-60; 26:123; 41:15; 51:41; 69:6.
[367] King of Iram, where Shaddād defied the warnings of the Prophet Hud. For their repeated transgressions, the people and the city of Iram was obliterated,never to rise or be seen again.
[368] Qahtân was the ancestor of southern Arab tribes. His descendants are divided into two fractions: Himyar and Kahlan. His name is mentioned in Torah as Yaktan.

11. Fate turned against Darius as well as his slayer[369], and as for Chosroes[370], no vaulted palace offered him protection.
12. It is as if no cause had ever made the hard easy to bear, and as if Suleyman[371] had never ruled the world.
13. The misfortunes brought on by Fate are of many different kinds, while Time has causes of joy and of sorrow.
14. For the accidents [of fortune] there is a consolation that makes them easy to bear, yet there is no consolation for what has befallen Islam.
15. An event which cannot be endured has overtaken the peninsula; one such that *Uhud*[372] has collapsed because of it and *Thahlan*[373] has crumbled!
16. The evil eye has struck [the peninsula] in its Islam so that [the land] decreased until whole regions and districts were despoiled of [the faith]
17. Therefore ask Valencia what is the state of Murcia; and where is Jativa[374], and where is Jaén[375]?
18. Where is Qurtuba, the home of the sciences, and many a scholar whose rank was once lofty in it?
19. Where is Seville and the pleasures it contains, as well as its sweet river overflowing and brimming full?
20. [They are] capitals which were the pillars of the land, yet when the pillars are gone, it may no longer endure!
21. The tap of the white ablution fount weeps in despair, like a passionate lover weeping at the departure of the beloved,
22. Over dwellings emptied of Islam that were first vacated and are now inhabited by unbelief;
23. In which the Masajid have become churches wherein only bells and crosses may be found.
24. Even the *mihrabs* weep though they are solid; even the pulpits mourn though they are wooden!
25. O you who remain heedless though you have a warning in Fate: if you are asleep, Fate is always awake!
26. And you who walk forth cheerfully while your homeland diverts you [from cares], can a homeland beguile any man after [the loss of] Seville?
27. This misfortune has caused those that preceded it to be forgotten, nor can it ever be forgotten for the length of all time!
28. O Kings of the White Banner, Strike with your sword the *Kuffaar*; May Allah eliminate them!

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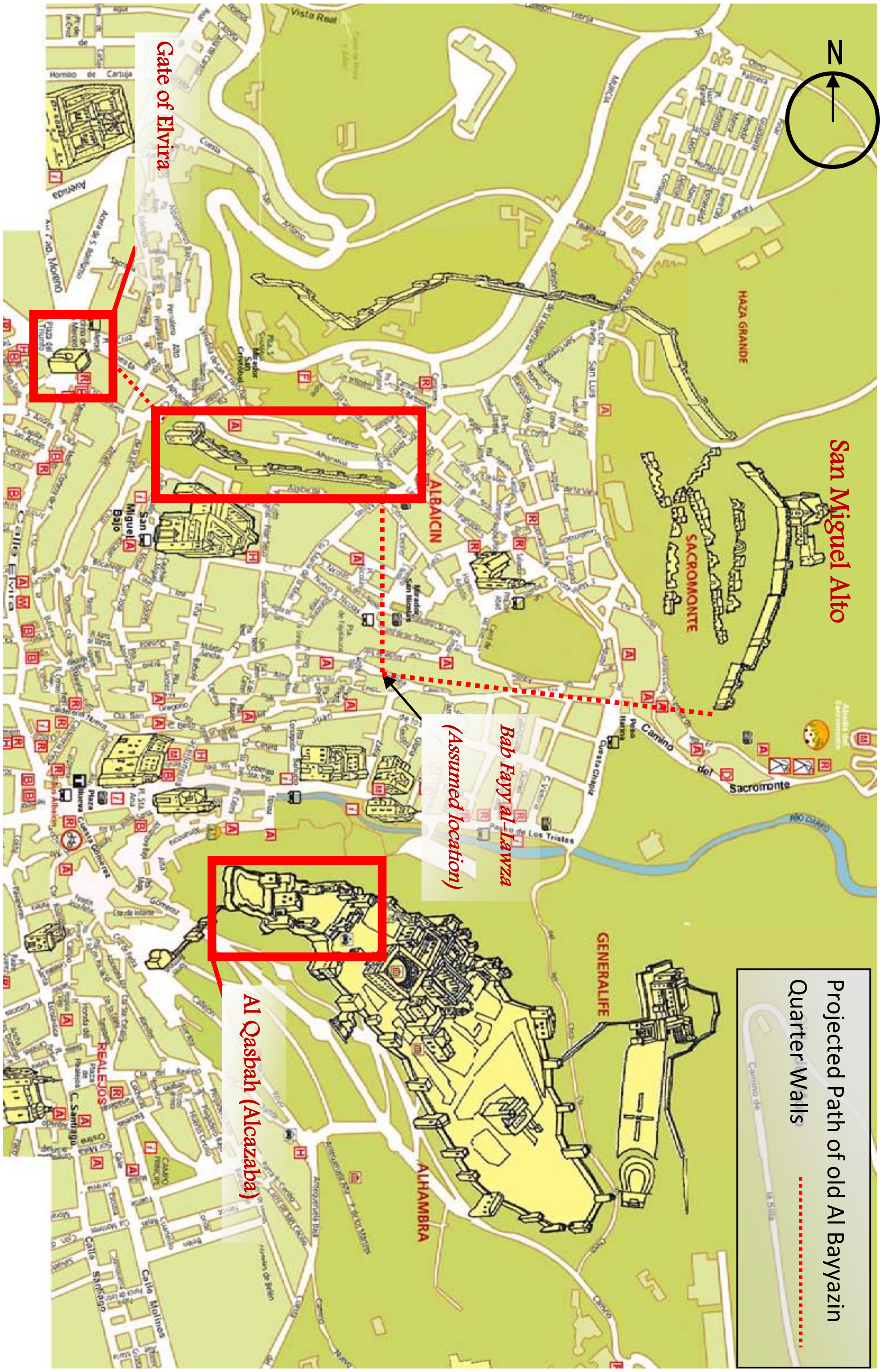
369 The slayer of Darius was Alexander the Great.
370 Was the Shah of Persia
371 In the Qur'an, Sulayman (عليه سلام) is a son of the Prophet Dawud (عليه سلام). He learned much from his father, and subsequently made a Prophet by Allah and given power over all creatures. Ruling a large kingdom that extended south into Yemen, he was known throughout the lands for his wisdom and fair judgements. (Quran 34:12)
372 Uhud and Thahlan are mountains near Madina.
373 Ibid
374 Játiva (Ar. *Shatibah*) is an ancient city, which stood towards the eastern part of Andalusia. During the Muslim regime the city was famous for paper industry. [Yaqut al-Hamawi, *Mu'jam al-Buldan* (Beirut: Dar Ihya al-Turath al-Arabi 1979), Vol. 3, p. 309].
375 Jaén (Ar. *Jaiyan*) is the capital of Jaén province in Andalusia, Spain, located 40 miles (64 km) north of Granada. The city is an agricultural hoard. [Encyclopedia Americana, Vol. 15, p. 664].

29. O you who ride lean, thoroughbred steeds which seem like eagles in the racecourse;
30. And you who carry slender, Indian blades[376] which seem like fires in the darkness caused by the dust cloud [of war],
31. And you who are living in luxury beyond the sea enjoying life, you who have strength and power in your homelands,
32. Have you no news of the people of Andalus, for riders have carried forth what men have said [about them]?
33. How often have the weak, who were being killed and captured while no man stirred, asked our help?
34. What means this severing of the bonds of Islam on your behalf, when you, O worshipers of Allah, are [our] brethren?
35. Are there no heroic souls with lofty ambitions; are there no helpers and defenders of righteousness?
36. O, who will redress the humiliation of a people who were once powerful, a people whose condition injustice and tyrants have changed?
37. Yesterday they were kings in their own homes, but today they are slaves in the land of the *Kuffaar*!
38. Thus, were you to see them perplexed, with no one to guide them, wearing the cloth of shame in its different shades,
39. And were you to behold their weeping when they are sold, the matter would strike fear into your heart, and sorrow would seize you.
40. Alas, many a mother and child have been parted as souls and bodies are separated!
41. And many a maiden fair as the sun when it rises, as though she were rubies and pearls,
42. Is led off to abomination by a barbarian against her will, while her eye is in tears and her heart is stunned.
43. The heart melts with sorrow at such [sights], if there is any Islam or belief in that heart!

[376] Blades from India were famed for their excellence.

Appendix L:

Ribad *Al Bayyazin* [Albaycin], and the surrounding area with emphasis on the wall mentioned in the Treaty of Garnata (in Clause of 1 of the Spanish version): (note: this map is based on my research assumptions, and might not all be correct)





A view of Al Qasbah from *Al Bayyazin*. One can imagine why Muslims were eager to assure that Christians perverts would not take advantage of Muslim defeat by peeping in on their houses from the Al-Bayyazin Quarter wall.

San Miguel Alto, where the *Al Bayyazin* wall reaches, houses a The Church of San Miguel Alto built on the ruins of the Masjid Al Zaytun (Mosque of the Olive tree). Below is the Wudhu, (ablution

area), from the masjid, which is the only part that remains after Napolean destroyed it in 1816 to make the current Church of Saint Micheal:



Saint Michael has been a popular saint in Spain since the Reconquest. His slaying of a dragon in Christian mythology was likened to the destruction of heresy and, in particular, the war against the Muslims, (The figure under his foot is a representation of a Muslim):

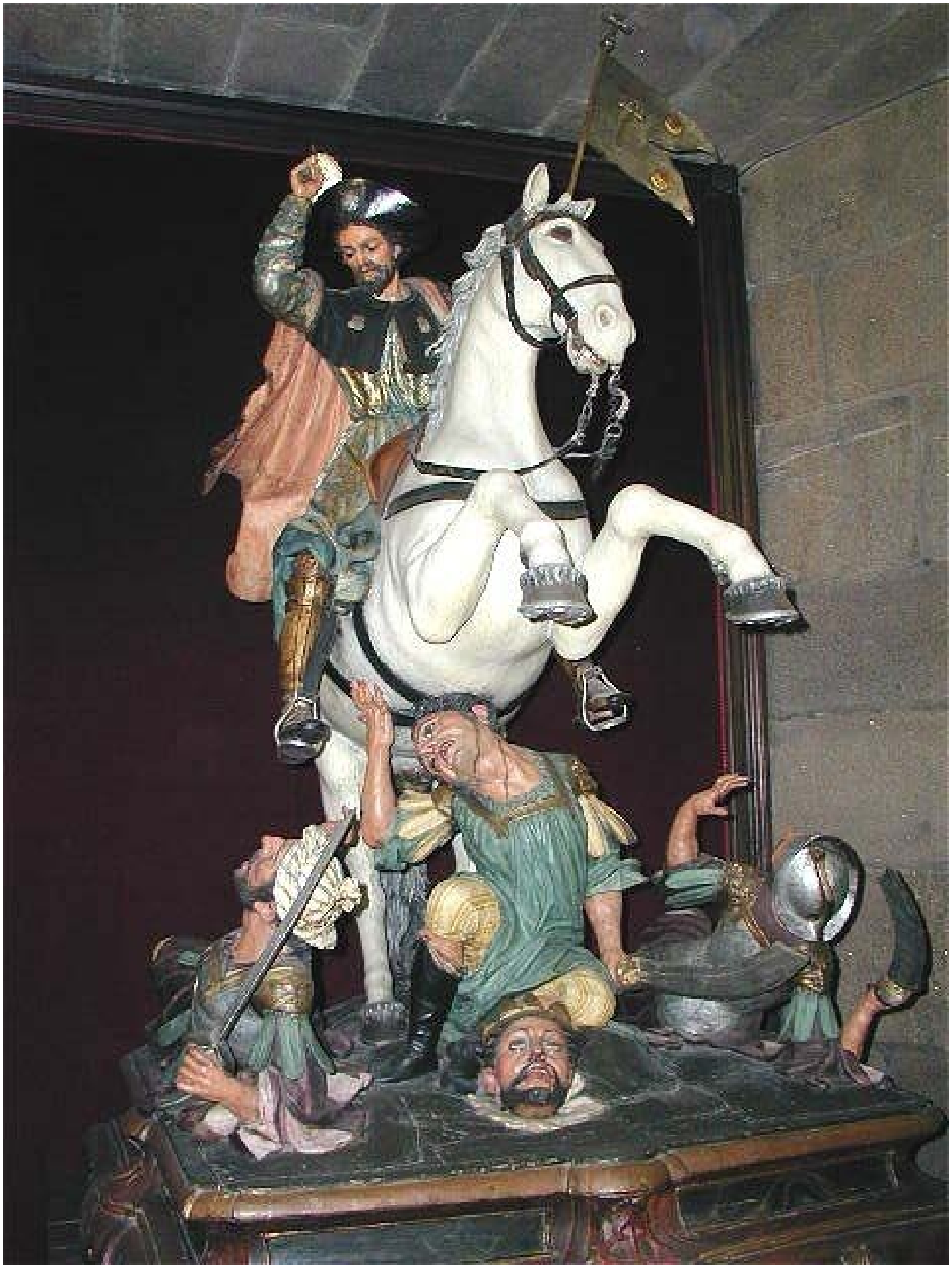


The Muslim is represented as that very dragon that Saint Micheal slew, with the addition of the Muslim clutching the fire of hell in his right hand:



Appendix M: Anti-Muslim Christian Iconography

A statue of Santiago the Muslim killer in Galicia at Santiago de Compostela: (St. James is the Patron saint of Spain and is a popular saint all across the Hispanic world. Those under his horse are representations of slain Muslims).



Muslims and Christians:

Moros y Cristianos is a set of festival activities which are celebrated in many towns and cities of Spain, mainly in the southern Valencian Community; according to popular tradition the festivals commemorate the battles, combats and fights between Muslims and Christians during the period known as *Reconquista* (from the 8th century through the 15th century).

The festivals represent the capture of the city by the Moors and the subsequent Christian reconquest. The people that take part in the festival are usually enlisted in *filaes* or *comparsas* (companies that represent the Christian or Moor legions), and for several days, they parade with bombastic costumes loosely inspired by Medieval fashion. Christians wear fur, metallic helmets, and armor, fire loud arquebuses, and ride horses. In contrast, Moors wear ancient Arab costumes, carry scimitars, and ride real camels or elephants. The festival develops among shots of gunpowder, medieval music, and fireworks, and ends with the Christians winning a simulated battle around a castle.

This Festival is not only celebrated in Spain, but also in the Philipines, (known as moro-moro), and Mexico by Christians.



Appendix N: Excerpts from Al Ra'ees Ibrahim Bin Ahmad Al Andalusi's 'Manual de Artilleria'

(Source: James, David. "The "Manual de artillería" of al-Ra'īs Ibrāhīm Ahmad al-Andalusī with Particular Reference to Its Illustrations and Their Sources." pp. 237-257)

1. **Excerpts from the introduction, including the biography of the author:**

"Praise be to Allah, Lord of the Worlds, Giver of victory to the Believers over the *kafireen*! May He bless our Lord and Master Muhammad, the most excellent of mankind, who participated personally in some ten campaigns and was given Divine victory in the Jihad! May He be pleased with his family and his companions, the Rightly-Guided Caliphs, and those who continued their good works, until the Day of Judgement, Amen! We implore Him to give victory and happiness to all the Muslims and their leaders, a victory by which the Faith will be exulted and the Infidel humbled! The humble supplicant for Allah's favour and indulgence, etc., in this world and the next, Ibrahim known in the foreign tongue as *al-ribaash*[377] Bin Ahmad Bin Ghanim Bin Muhammad Bin Zakariyya' Al-Andalusi, relates that his birth-place was 'Nawlash[378]' in the district of Garnata. After the Uprising he was taken to the vicinity of the city of Granada where he grew up. He remained there until the Christian Monarch commanded that all Andalusis (i.e. Moriscos) who had not left in the first expulsion should remove themselves to a place outside the sultanate (i.e. the old Moorish kingdom) of Granada. That was forty-eight years before this date.

We settled in Seville, and having become interested in sailing I made several voyages on the Atlantic. Later I sailed in the great vessels known in the foreign tongue as *ghalyuniyya* (i.e. galleons), which carry silver from the distant West Indies, travelling in convoys as is their custom with troops and artillerymen on board. The latter associate with their grandees to discuss their art and sometimes bring books written on the subject. These are numerous for when those familiar with the science and practice of gunnery saw the esteem in which their rulers hold people expert in that art and those who write about it they cultivated it.

I used to sit with them and memorize some of the discussion and try my hand at gunnery without any of them being aware that I was Andalusi. At the time when the Christian Monarch ordered the expulsion of all Andalusis I happened to be in prison because of an incident between myself and some Christians, who had questioned my courage. However, an important Christian acquaintance helped me and kept me company until Allah liberated me from prison. I wanted to leave with the other Andalusis for the Muslim territories but I was prevented from doing so. I produced evidence to show that I was an Andalusi, but to no avail: I had to resort to bribery in order to leave with the others.

I came to the city of Tunis-May Allah protect it-where I found many Andalusi companions and friends. There the ruler, 'Uthman Dey-May Allah have mercy upon him-took an interest in me and appointed me to the command of two hundred Andalusis, giving me the sum of five hundred *sultaanees* and two hundred hand-guns and daggers plus whatever was necessary for a sea voyage.
We set sail with our companions in the Dey's ships, but we had not been gone six months when he died-Allah have mercy upon him. Shortly afterwards we returned to Tunis with scant booty and myself severely wounded.

[377] Probably refers to the Spanish name, 'Rivas' or 'Riva'
[378] Niguelas which is located in the Al Bushra Mountains.

After I had recovered we set out again in search of the Infidel and his wealth. While we were off the city of Malaga, which lies on the edge of the *Bahr Al Saghir* (La Ensenada de Malaga?) we came upon eleven galleys. It was during the second half of August when there is no wind and the sea is calm. A terrific battle ensued in which many died on both sides. We were closely pursued until only a handful of us remained. We were captured after I was wounded. But truly, that day more than six hundred ofthe Enemy Unbelievers were killed, including more than twenty of their grandees. After seven years Allah released me from captivity and I made for Tunis where the ruler Yiisuf Dey sent me to join the garrison of the fortress of Halq Al Wadi[379] (i.e. La Goulette). There I completed my gunnery studies by both practice and reading books in the foreign tongue on the subject.

On observing that the body of artillerymen in the fortress had little knowledge of gunnery and were unable to load or fire properly I resolved to compose this book for I saw that the production of every piece of artillery involves the expenditure of much time and money and is then put into the hands of one who damages or destroys it at the first or second shot while the one who loads it puts his life at risk. So, to advise the gunner and his subordinate I was encouraged to compose this work. I beseech Allah to accept that my aspirations were greater than what I have produced, and to send someone who will translate it from Ishbanyul (i.e. Spanish) which is the foreign tongue used in al-Andalus.

My intention in composing this work has not been for worldly gain but to dedicate to the Almighty its translation so that copies might be made and dispatched-Allah willing-to various parts of the Muslim lands. I have mentioned its usefulness in every way as well as referring to the duties incumbent upon artillerymen in the service of the Muslim rulers, and the Divine recompense which will accrue to them, when through the perfection of their art, they alleviate the worries of their fellow Muslims and terrify their unbelieving enemies."

[379] Remember, this was the same fortress that was used by Khayr Al Deen to operate out of in 1504 for numerous *ghazawaat*, (Abun-Nasr, 148), indicating the locations utility to be used as a staging post for naval raids.

Appendix O:

A 'qaseedah' composed by Abu Al Baqa' Salih Bin Sharif, (An Andalusi Muslim), to Bayazid, the then Khalifa of the Uthmani Khilafa. The letter is written in 1502 to solicit aid to save Andalus from the Christians and to elucidate the state of Muslim affairs in Andalus: (From Medieval Iberia Reader, p. 364-370)

1. A noble, enduring, ever-renewed peace do I attribute exclusively to his higness, the best of Khulafa.
2. Peace be upon his highness, the possessor of glory and loft stature, who has clothed the *kuffaar* in a robe of humility;
3. Peace be upon him whose kingship Allah has expanded, supporting him with victory in every region;
4. Peace be upon his majesty, the capital of whose realm is Constantinople. What a noble city it is!
5. Peace be upon him whose kingdom Allah adorned with armies and subject population of Turks;
6. Peace be upon you. May Allah exalt your rank and may He also make you a king over every other nation
7. Peace be upon the judge and upon whomsoever of the noble, exalted men of learning resemble him;
8. Peace be upon the men of the *Deen* and piety and upon whomsoever among the counselors is gifted with sound judgement.
9. Peace be upon you on behalf of some slaves who have remained in a land of exile, in Andalus in the west,
10. Whom the swelling sea of Rūm as well as deep, gloomy, and fathomless ocean encompasses
11. Peace be upon you on behalf of some slaves smitten by a dire misfortune. What a misfortune it was!
12. Peace be upon you on behalf of some old men whose white hair has come to be torn from [much] plucking, after [they have enjoyed a life of] glory;
13. Peace be upon you on behalf of some faces that have been bared to the company of non-arabs after having being veiled;
14. Peace be upon you on behalf of some young girls whom the priest drives by force to a bed of shame;
15. Peace be upon you on behalf of some old women who have been compelled to eat pork and flesh not killed according to ritual presecriptions.
16. We all kiss the ground of your royal court and we call down blessings upon you at all moments.
17. May the *Rabb* [Allah] cause your royal power and life to endure, and may He preserve you from every trial and misfortune.
18. May He strengthen you with support and victory over the enemy, and lodge you in the abode of [His] pleasure and regard [for you].
19. We have complained to you, your majesty, of the harm, the misfortune and the enormous calamity that has afflicted us.
20. We have been betrayed and converted to Christianity; our religion has been exchanged for another; we have been oppressed and treated in every shameful way.
21. Yet under the Prophet Muhammad's (صلّى الله عليه وسلّم) religion we used to oppose the agents of the Cross with our inner intentions.
22. Facing grave dangers in *Jihad* because of killing and capturing, hunger and dearth.
23. But the Christians attacked us from all sides in a vast torrent, company after company
24. Smiting us with zeal and resolution like locusts and multitude of their cavalry and weapons.

25. Nevertheless, for a long time we withstood their armies and killed group after group of them,
26. Although their horsemen increased every moment, whereas ours were in a state of diminuation and scarcity,
27. Hence, when we became weak, the camped in our territoty and smote us, town after town,
28. Bringing many large cannons that demolished the impregnable walls of the towns,
29. Attacking them energetically during the siege for many months and days; with zeal and determination.
30. So when our cavalry and foot soldiers had perished and we observed that no rescue was forthcoming from our brethren,
31. And when our victuals had diminished and our lot had become hard indeed, we complied, against our will, with their demands, out of fear of disgrace,
32. And fearing our sons and daughters, lest they be taken captive or cruelly slaughtered,
33. On the condition that were to remain like the *Mudajan* before us, namely the inhabitants of the old territory[380],
34. And that we were to be allowed to remain in enjoyment [of the right] to call to prayer and our *Salaat*, while we were not [to be required] to abandon any of the prescriptions of the Shari'a;
35. And that whosoever among us desired [to cross] the sea was to [be allowed to] do so in safety, to the land on the [African] coast with all the property he wished [to take],
36. As well as many other stipulations, surpassing fifty by the number of five.
37. Then their Sultan[381] and grandee said to us: " what you have stipulated is granted to you in more than its entireity,"
38. Showing us documents containing a pact and a treaty, saying to us: "This is my amnesty and my protection [over you].
39. So remain in enojoyment of your possessions and homes as you were before, unharmed."
40. Yet when we came under their treaty of protection, their treachery toward us became apparent for [he] broke the agreement.
41. He broke the compacts he had deceived us with and converted us to Christianity by force, with harshness and severity,[382]
42. Burning the books we had and mixing them with dung of with filth,[383]
43. Through each book was on the subject of our religion. Yet they were cast into the fire with scorn and derision,
44. Nor did they spare a single volume belonging to any Muslim, or any tome which one could read in solitude
45. Whosoever fasted or prayed and his state came to be known, was in every instance cast into the fire,
46. And whosoever of us failed to go to their place of unbelief, him did the priest severly punish,
47. Slapping him on both cheeks, confiscating his property, and improsining him in a wretched state.
48. Moreover, during Ramadan, they spoiled our *sawm* [fast], time after time with food and drink.
49. And they ordered us to curse our Prophet (صلّى الله عليه وسلّم), and to refrain from invoking him in times of ease and hardship.
50. They even overheard a group chanting his name, and the latter suffered a grievous injury at their hands,

[380] He refers to the territories of Arghun and others which the Christians had already taken over prior to the capture of Garnata, where the Muslims were under the *dhimma*, (protection), of the Christians, and thus were known was mudejars, or *mudajjan*
[381] King Ferdinand of Aragon
[382] After the revolt in Al Bayyazin and the first revolt of Al Bushra, the Spanish sovereigns decreed as a punitive measure that the Muslims should either convert to Christianity or abandon Spain, *leaving behind their possessions* (Cf. M. Lafuente Alcantara, Historia de Granada. [Paris, 1852], II, 350)
[383] In 1499 Cardinal Ximenez de Cisneros made a public *auto-de-fe* in Granada, burning 1,025,000 Arabic volumes according to Marmol y Carajval

51. For their judges and governors punished them with beatings, fines, imprisonment, and humiliation.
52. Whosoever lay dyeing, and did not have in attendance one who could preach [their religion to him], in their deceit, they would refuse to bury him,
53. Instead, he was left lying prostrate on a dung heap like a dead donkey or [some other] animal.
54. [They committed] many other similar, shameful deed, as well as numerous wicked acts.
55. Our names were changed and given a new form with neither our consent nor our desire.
56. Therefore, alas for the exchanging of Muhammad's (صلَّى الله عليه وسلَّم), *Deen* for that of the Christian dogs, the worst of creatures!
57. Alas for our names when they were exchanged for those ignorant non-arabs[384]!
58. Alas for our sons and daughters who go off every morning to a priest
59. Who teaches them *kufr*, idolatry, and falsehood while they are entirely unable to circumvent [the Christians] by any trick!
60. Alas for those *Masajid* that have been walled up to become dung heaps for the infidel after having enjoyed ritual purity![385]
61. Also for those minerets in which the bells [of the Christians] have been hung in the place of the *Shahada*[386] [being announced from them]!
62. Alas for those towns and their beauty! Through unbelief they have grown very dark!
63. They have become strongholds for the worshipers of the Cross, and in them the latter safe against the occurring of raids.
64. We have become slaves; not captives who may be ransomed, nor even Muslims who pronounce the *Shahada*!
65. Hence, were your eyes to see what has become of our lot, they would overflow with abundant tears.
66. So alas! Alas for us! Alas for the misfortune that struck us, namely harm, sorrow, and the robe of oppression!
67. We besought you, our majesty, by the Lord our Allah, and by the chosen, the elect, the best of Creatures
68. And by those goodly lords, the family of Muhammad (صلَّى الله عليه وسلَّم), and his *Ashaab* [companions]- What noble *Ashaab* they are!-
69. And the *Sayyed* Al-Abbas, our Prophet's (صلَّى الله عليه وسلَّم), paternal uncle, by his white hair, the most excellent white hair,
70. By those upright ones who grant reconition to their *Rabb*, and by every excellent *Wali* [Saint/pious man] endowed with nobility.
71. Perchance you will look upon us and what has smitten us; The *Rabb Al Arsh*, [Lord of the Throne], will bring mercy,
72. For your speech is hearkened to and your order is effective, while everything you command is swiftly executed.
73. As for the Christian faith, its [place of] origin is ruled by your authority, and it was from there that it spread to them in every region.[387]

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[384] Disparaging reference to non-arab does not imply Arab *Asabiyyah* but rather non-arab here is synonymous with Kafir, (as matters were not as bad as today, where Muslims in droves choose willingly to live under their *Kuffaar* and their laws). If the contrary was the case, then why wouldn't Abu Yazid, (a Turk), take insult at this letters wording and disparing remarks about 'non-arabs'? It would certainly defeat Abu'al Baqa's purpose of writing the Qaseedah by insulting the very person hes asking help from!

[385] Between 1492 and 1499 Archbishop Talavera turned the main masjid of Garnata into the Sagrario; that of Al Bayyazin into the church of El Salvador

[386] Muslim declaration of belief in The Prophet (صلَّى الله عليه وسلَّم), and Allah

[387] At first, this comment might not seem in line with history but it is, since it was Emperor Constantine that virtually made Christianity the state religion of Rome (both eastern and western empire), by issuing the edit of Milan in 313 where he announced toleration of Christianity and removed penalties for professing Christianity and returned confiscated Church property. He was also the first Christian emperor of Rome, who catapulted Christianty from a little known and

74. So, by Allah, your higness, be pleased to favor us with some advice or some words or protest,
75. For you possess excellence, glory, rank, and [the power] to rescue *Ibad Allah* [Allah's worshippers], from all evil
76. Therefore ask their Pope, that is to say, the ruler of Rome, why they permitted treason after having [granted] amnesty,[388]
77. And why they harmed us with their betrayal with no wrong or crime on our part?
78. When their people who had been conquered [by us] were under the safeguard or our religion and the protection of [our] glorious kings who fulfilled their promises,
79. Neither were they converted from their faith, nor expelled from their homes, nor did they suffer betrayal or dishonor.
80. As for him who grants a treaty and then betrays it, that is a deed forbidden by every faith,
81. Especially on the part of kings, for it is a disgraceful, infamous deed; unlawful everywhere.
82. Your letter to them arrived, yet they did not heed one single word of it all;
83. It only increased their enemity and boldness against us as well as their perseverance in all kinds of wicked deeds.
84. The envoys of Egypt reached them and they were not treated with treachery or dishonor[389]
85. Yet [the Christians] informed those envoys on our behalf, that we had voluntarily accepted the *deen* of *kufr*.
86. And they brought out some [token] conversations to idolatry, of those who had submitted to them; yet, by Allah, we wil never accept that declaration of faith!
87. They have lied about us with the greatest of falsehood in their words and arguments in saying that.
88. Rather, it was the fear of death and of burning that caused us to convert. We speak just as they spoke [to us]. It happened contrary to our intention,
89. While the faith of Allah's Prophet (صلّى الله عليه وسلّم), has not been extinguished among us, since in every glance our recognition of *Tawheed Allah* [Allah's monotheism].
90. Moreover, by Allah, we accept neither our change of *deen* nor what they say on the subject of Trinity.
91. And if they claim that we have accepted their *deen* unharmed by them,
92. Then ask Wahraa [Huejar][390] about its inhabitants: how they became captives and slaughtering under [the burden] of humiliation and misforture,
93. And ask Billifiqa [Belfique][391] what was the outcome of their affair: they were cut to pieces by the sword after undergoing anxiety.
94. As for Munyafa[392], its inhabitants were sundered by the sword. The same was done to the people of Al Bushra [Alpujarra's].
95. As for Andarash [Andarax][393], its people were consumed by fire. It was in their *masjid* that they all became like charcoal.
96. Lo, your majesty, we complain to you, what we have encountered is the worst form of estrangement.

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little followed sect/cult to a global religion thanks to the wide expanse of the Roman Empire at the time. The capital of Rome was Constantinople at that time.

[388] This perhaps is based of an erroneous understanding of the Treaty of Garnata as the Pope of Rome never raitified the treaty and neither did he ever receive it. The assumption on the Muslim side was, (as evidenced from Imam Maqri's recollection of the Treaty), that the Pope had ratified it.

[389] Some emissaries from Mamluk Egypt were sent to Spain in 1501 after the Egyptian Sultan had been urged to interfere on behalf of the Morisco's. They informed the Spanish monarchs that if the Moriscos were forced to convert to Christianity, the Mamluk Sultan would retaliate by persecuting the Christian populations of his realm.

[390] Wahra was a town where rebellion was suppressed by Christians in 1501. All inhabitants massacred

[391] Billifiqa was another center of Al Bushra. The count of Cifuentes had its men massacred and its women sold as slaves.

[392] Unknown location

[393] In 1500 the Count of Lerin laid seige to the fortress of Laujar in Andarax. He used gunpowder to blow up a masjid where the Muslim women and children sought refuge.

97. Could our *Deen* not be left to us as well as our *Salaat*, as they swore to do before the agreement was broken?
98. If not let them allow us to emigrate from their land to North Africa, the homeland of our dear ones, with our belongings.
99. For expulsion is better for us than remaining in unbelief, enjoying power but having no *deen*.
100. This is what we hope for from the glory of your rank. May every need of ours be satisfied with you!
101. From you do we hope for and end to your anxieties and to the evil low and humiliation that have overcome us,
102. For you, praise, *Al-Hamdu Lillah* [praise be to Allah], are the best of our kings while our glory rises above all other glories.
103. Therefore we ask our *Rabb* to prolong your life in kingship and glory, in joy and prosperity;
104. And [to grant you] peace in your realms, victory over your enemies, abundant troops, wealth, and magnificence,
105. Finally, may Allah's Peace, followed by His Mercy, be ever upon you for the duration of time!

Appendix P:

Arabic original of Appendix O, (originally in Imam Maqri's Al Nafh Al Tibb):

١ سلامٌ كريمٌ دائمٌ متجدِّدٌ … أخصُّ به مولايَ خيرَ خليفةِ

٢ سلامٌ على مولايَ ذي المجدِ والعُلا … ومَن ألبسَ الكفّارَ ثوبَ المذلّةِ

٣ سلامٌ على مَن وسّعَ اللهُ مُلكَهُ … وأيّدَهُ بالنّصرِ في كُلِّ وجهةِ

٤ سلامٌ على مولايَ مَن دارُ مُلكِهِ … قسطينةُ أكرِمْ بها مِن مدينةِ

٥ سلامٌ على مَن زيّنَ اللهُ مُلكَهُ … بجُندٍ وأتراكٍ مِن أهلِ الرِّعايةِ

٦ سلامٌ عليكُمْ شرّفَ اللهُ قدرَكُمْ … وزادَكُمُ مُلكًا على كُلِّ مِلّةِ

٧ سلامٌ على القاضي ومَن كانَ مِثلَهُ … مِنَ العُلَماءِ الأكرمينَ الأجِلّةِ

٨ سلامٌ على أهلِ الدِّيانةِ والتُّقى … ومَن كانَ ذا رأيٍ مِنَ اهلِ المشورةِ

٩ سلامٌ عليكُمْ مِن عبيدٍ تخلّفوا … بأندلسٍ بالغربِ في أرضِ غُربةِ

١٠ أحاطَ بهمْ بحرٌ مِنَ الرُّومِ زاخرٌ … وبحرٌ عميقٌ ذو ظلامٍ ولُجّةِ

١١ سلامٌ عليكُمْ مِن عبيدٍ أصابَهُمْ … مُصابٌ عظيمٌ يا لَها مِن مُصيبةِ

١٢ سلامٌ عليكُمْ مِن شُيوخٍ تمزّقتْ … شُيوبُهُمُ بالنّتفِ مِن بعدِ عِزّةِ

١٣ سلامٌ عليكُمْ مِن وُجوهٍ تكشّفتْ … على جُملةِ الأعلاجِ مِن بعدِ سترةِ

١٤ سلامٌ عليكُمْ مِن بناتٍ عواتقٍ … يسوقُهُمُ اللبّاطُ قهرًا لخلوةِ

١٥ سَلامٌ عليكُمْ مِن عَجَائِزَ أُكْرِهَتْ … على أكْلِ خِنْزِيرٍ ولَحْمٍ لِجِيفَةِ

١٦ نُقَبِّلُ نَحْنُ الكُلُّ أرْضَ بِسَاطِكُمْ … ونَدْعُو لَكُمْ بالخَيْرِ فى كُلِّ ساعَةِ

١٧ أدامَ الإلهُ مُلْكَكُمْ وحَيَاتَكُمْ … وعَافَاكُمُ مِنْ كُلِّ سُوءٍ ومِحْنَةِ

١٨ وأيَّدَكُمْ بالنَّصْرِ والظَّفْرِ بالعِدَا … وأسْكَنَكُمْ دارَ الرِّضَا والكَرامَةِ

١٩ شَكَوْنَا لَكُمْ مَوْلَاىَ ما قد أصابَنَا … مِن الضُّرِّ والبَلْوَى وعِظَمِ الرَّزِيَّةِ

٢٠ غُدِرْنَا ونُصِّرْنَا وبُدِّلَ دِينُنَا … ظُلِمْنَا وعُومِلْنَا بِكُلِّ قَبِيحَةِ

٢١ وكُنَّا على دِينِ النَّبِىِّ مُحَمَّدٍ … نُقَاتِلُ عُمَّالَ الصَّلِيبِ بِنِيَّةِ

٢٢ ونَلْقَى أُمُورًا فى الجِهادِ عَظِيمَةً … بِقَتْلٍ وأَسْرٍ ثُمَّ جُوعٍ وقِلَّةِ

٢٣ فجاءَتْ علينا الرُّومُ مِن كُلِّ جانِبٍ … بِسَيْلٍ عَظِيمٍ جُمْلَةً بَعْدَ جُمْلَةِ

٢٤ ومَالُوا علينا كالجَرادِ بِجَمْعِهِمْ … بِجِدٍّ وعَزْمٍ مِن خُيُولٍ وعُدَّةِ

٢٥ فَكُنَّا بِطُولِ الدَّهْرِ نَلْقَى جُمُوعَهُمْ … فَنَقْتُلُ فيها فِرْقَةً بَعْدَ فِرْقَةِ

٢٦ وفُرْسَانُهُمْ تَزْدادُ فى كُلِّ ساعَةٍ … وفُرْسانُنَا فى حالِ نَقْصٍ وقِلَّةِ

٢٧ فلَمَّا ضَعُفْنَا خَيَّمُوا فى بِلادِنَا … ومَالُوا علينا بَلْدَةً بَعْدَ بَلْدَةِ

٢٨ وجَاءُوا بِأَنْفَاطٍ عِظَامٍ كَثِيرَةٍ … تُهَدِّمُ أسْوارَ البِلادِ المَنِيعَةِ

٢٩ وشَدُّوا عليها فى الحِصارِ بِقُوَّةٍ … شُهُورًا وأيَّامًا بِجِدٍّ وعَزْمَةِ

٣٠ فلَمَّا تَفَانَتْ خَيْلُنَا ورِجَالُنَا … ولَمْ نَرَ مِن إخْوانِنَا مِن إغاثَةِ

٣١ وقَلَّتْ لَنَا الأقْواتُ واشْتَدَّ حالُنَا … أطَعْنَاهُمُ بالكُرْهِ خَوْفَ الفَضِيحَةِ

٣٢ وخَوْفًا على أبْنائِنَا وبَنَاتِنَا … مِن أنْ يُؤْسَرُوا أو يُقْتَلُوا شَرَّ قِتْلَةِ

٣٣ على أَنْ نَكُونَ مِثْلَ مَن كانَ قَبْلَنَا … مِنَ الدَّجْنِ مِن أَهْلِ البِلادِ القَدِيمَةِ

٣٤ ونُبْقِي على آذانِنا وصَلاتِنا … ولا نَتْرُكَنْ شَيْئًا مِنَ آمْرِ الشَّرِيعَةِ

٣٥ ومَنْ شاءَ مِنَّا البَحْرَ جازَ مُؤَمَّنًا … بِمَا شاءَ مِن مَالٍ إلى أَرْضِ عُدْوَةِ

٣٦ إلى غَيْرِ ذاكَ مِن شُروطٍ كَثِيرَةٍ … تَزِيدُ على الخَمْسِينَ شَرْطًا بِخَمْسَةِ

٣٧ فقالَ لَنا سُلْطانُهم وكَبِيرُهُمْ … لَكُمْ ما شَرَطتُمْ كامِلًا بالزِّيادةِ

٣٨ وأَبْدَى لَنا كُتْبًا بِعَهْدٍ ومَوْثِقٍ … وقالَ لَنا هذا أَمَانِي وذِمَّتِي

٣٩ فَكُونُوا على أَمْوَالِكُمْ ودِيَارِكُمْ … كَمَا كُنْتُمُ مِن قَبْلُ دُونَ أَذِيَّةِ

٤٠ فلَمَّا دَخَلْنَا تَحْتَ عَقْدِ ذِمامِهِمْ … بَدَا غَدْرُهُمْ فينا بِنَقْضِ العَزِيمَةِ

٤١ وخانَ عُهودًا كانَ قد غَرَّنا بِها … ونَصَّرَنا كَرْهًا بِعُنْفٍ وسَطْوَةِ

٤٢ وأَحْرَقَ ما كانَتْ لَنا مِن مَصاحِفٍ … وخَلَّطَها بالزِّبْلِ أَوْ بالنَّجاسَةِ

٤٣ وكُلُّ كِتابٍ كانَ في أَمْرِ دِينِنَا … فَفِي النارِ أَلْقَوْهُ بِهُزْءٍ وحَقْرَةِ

٤٤ ولَمْ يَتْرُكُوا فيها كِتابًا لِمُسْلِمٍ … ولا مُصْحَفًا يُخْلَى بهِ لِلْقِرَاءَةِ

٤٥ ومَن صامَ أَوْ صَلَّى ويُعْلَمُ حالُهُ … فَفِي النارِ يُلْقُوهُ على كُلِّ حالَةِ

٤٦ ومَنْ لَمْ يَجِئْ مِنَّا لِمَوْضِعِ كُفْرِهِمْ … يُعَاقِبُهُ اللَّبَّاطُ شَرَّ العُقُوبَةِ

٤٧ ويَلْطِمُ خَدَّيْهِ ويَأْخُذُ مالَهُ … ويَجْعَلُهُ في السِّجْنِ في سُوءِ حالَةِ

٤٨ وفي رَمَضانٍ يُفْسِدُونَ صِيامَنَا … بِأَكْلٍ وشُرْبٍ مَرَّةً بَعْدَ مَرَّةِ

٤٩ وقد أمَرُونا أنْ نَسُبَّ نَبِيَّنَا ... ولا نَذْكُرَنْهُ في رَخَاءٍ وشِدَّةِ

٥٠ وقد سَمِعُوا قَوْمًا يُغَنُّونَ بِاسْمِهِ ... فَأَدْرَكَهُمْ مِنْهم أَلِيمُ المَضَرَّةِ

٥١ وعاقَبَهُمْ حُكَّامُهُمْ وَوُلاتُهُمْ ... بِضَرْبٍ وتَغْرِيمٍ وسَجْنٍ وذِلَّةِ

٥٢ ومَن جاءَهُ المَوْتُ ولَمْ يَحْضُرِ الذى ... يُذَكِّرُهُمْ لم يَدْفِنُوهُ بِحِيلَةِ

٥٣ ويُتْرَكُ في زِبْلٍ طَرِيحًا مُجَدَّلًا ... كَمِثْلِ حِمَارٍ مَيِّتٍ أوْ بَهِيمَةِ

٥٤ إلى غَيْرِ هذا مِن أُمُورٍ كَثِيرَةٍ ... قِبَاحٍ وأَفْعَالٍ غِزَارٍ رَدِيَّةِ

٥٥ وقد بُدِّلَتْ أَسْمَاؤُنَا وتَحَوَّلَتْ ... بِغَيْرِ رِضًا مِنَّا وغَيْرِ إرَادَةِ

٥٦ فَآهًا على تَبْدِيلِ دِينِ مُحَمَّدٍ ... بِدِينِ كِلابِ الرُّومِ شَرِّ البَرِيَّةِ

٥٧ وآهًا على أَسْمَائِنَا حِينَ بُدِّلَتْ ... بِأَسْمَاءِ أَعْلاجٍ مِنَ أَهْلِ الغَبَاوَةِ

٥٨ وآهًا على أَبْنَائِنَا وبَنَاتِنَا ... يَرُوحُونَ لِلبَّاطِ في كلِّ غُدْوَةِ

٥٩ يُعَلِّمُهُمْ كُفْرًا وزُورًا وفِرْيَةً ... ولا يَقْدِرُوا أنْ يَمْنَعُوهُمْ بِحِيلَةِ

٦٠ وآهًا على تِلْكَ المَسَاجِدِ سُوِّرَتْ ... مَزَابِلَ لِلكُفَّارِ بعد الطَّهَارَةِ

٦١ وآهًا على تِلْكَ الصَّوَامِعِ عُلِّقَتْ ... نَوَاقِيسُهُمْ فيها نَظِيرَ الشَّهَادَةِ

٦٢ وآهًا على تِلْكَ البِلادِ وحُسْنِها ... لَقَدْ أَظْلَمَتْ بالكُفْرِ أَعْظَمَ ظُلْمَةِ

٦٣ وصارَتْ لِعُبَّادِ الصَّلِيبِ مَعَاقِلًا ... وقَدْ أَمِنُوا فيها وُقُوعَ الإغَارَةِ

٦٤ وصِرْنَا عَبِيدًا لا أُسَارَى فَنُفْتَدَى ... ولا مُسْلِمِينَ نُطْقُهُمْ بالشَّهَادَةِ

٦٥ فَلَوْ أَبْصَرَتْ عَيْنَاكَ ما صارَ حالُنَا ... إليه لَجادَتْ بالدُّمُوعِ الغَزِيرَةِ

٦٦ فَيَا وَيْلَنَا ، يَا بُؤْسَ ما قد أَصَابَنَا ... مِنَ الضُّرِّ والبَلْوَى وثَوْبِ المَذَلَّةِ

٦٧ سألناك يا مولاي بالله ربنا … وبالمصطفى المختار خير البرية

٦٨ وبالسادة الأخيار آل محمد … وأصحابه أكرم بهم من صحابة

٦٩ وبالسيد العباس عم نبينا … وشيبته البيضاء أفضل شيبة

٧٠ وبالصالحين العارفين بربهم … وكل ولي فاضل ذي كرامة

٧١ عسى تنظروا فينا وفيما أصابنا … لعل إله العرش يأتي برحمة

٧٢ فقولك مسموع وأمرك نافذ … وما قلت من شيء يكون بسرعة

٧٣ ودين النصارى أصله تحت حكمكم … ومن ثم يأتيهم إلى كل كورة

٧٤ فبالله يا مولاي منوا بفضلكم … علينا برأي أو كلام بحجة

٧٥ فأنتم أولو الإفضال والمجد والعلا … وغوث عباد الله في كل آفة

٧٦ فسل بابهم أعني المقيم برومة … بماذا أجازوا الغدر بعد الأمانة ؟

٧٧ وما لهم مالوا علينا بغدرهم … بغير أذى منا وغير جريمة

٧٨ وجنسهم المغلوب في حفظ ديننا … وأمن ملوك ذي وفاء أجلة

٧٩ ولم يخرجوا من دينهم وديارهم … ولا نالهم غدر ولا هتك حرمة

٨٠ ومن يعط عهدا ثم يغدر بعهده … فذاك حرام الفعل في كل ملة

٨١ ولا سيما عند الملوك فإنه … قبيح شنيع لا يجوز بوجهة

٨٢ وقد بلغ المكتوب منكم إليهم … فلم يعملوا منه جميعا بكلمة

٨٣ وما زادهم إلا اعتداء وجرأة … علينا وإقداما بكل مساءة

٨٤ وقد بَلَغَتْ أَرْسالُ مِصْرَ إليهِمْ   وما نَالَهُمْ غَدْرٌ ولا هَتْكُ حُرْمَةِ

٨٥ وقالوا لِتِلْكَ الرُّسْلِ عَنَّا بِأَنَّنَا   رَضِيْنَا بِدينِ الكُفْرِ مِن غيرِ قَهْرَةِ

٨٦ وساقوا عُقودَ الزُّورِ مِمَّنْ أَطاعَهُمْ   ووَاللهِ ما نَرْضَى بِتِلْكَ الشَّهادَةِ

٨٧ لقد كَذَبُوا فى قَوْلِهِمْ وكَلامِهِمْ   علينا بِهذا القَوْلِ أَكْبَرَ فِرْيَةِ

٨٨ ولٰكِنَّ خَوْفَ القَتْلِ والحَرْقِ رَدَّنا   نَقولُ كَمَا قالُوهُ مِن غيرِ نِيَّةِ

٨٩ ودِينُ رَسُولِ اللهِ مازالَ عندَنَا   وتَوْحِيدُنَا لِلّهِ فى كُلِّ لَحْظَةِ

٩٠ وَوَاللهِ ما نَرْضَى بِتَبْدِيلِ دِينِنا   ولا بالذى قالوا مِنَ أَمْرِ الثَّلاثَةِ

٩١ وإنْ زَعَمُوا أَنَّا رَضِينَا بِدِينِهِمْ   بِغيرِ أَذًى منهمْ لنا ومَساءَةِ

٩٢ فَسَلْ وَحْرَا عن أَهْلِها كَيْفَ أَصْبَحُوا   أُسارَى وقَتْلَى تَحْتَ ذُلٍّ ومَهْنَةِ

٩٣ وسَلْ بِلِّفِيقَا عن قَضِيَّةِ أَمْرِهَا   لَقَدْ مُزِّقُوا بالسَّيْفِ مِن بعد حَسْرَةِ

٩٤ وَمُنْبَافَةُ بالسَّيفِ مُزِّقَ أَهْلُهَا   كذا فَعَلُوا أَيْضًا بِأَهْلِ البُشَرَّةِ

٩٥ وَأَنْدَرَشُ بِالنارِ أُحْرِقَ أَهْلُها   بِجَامِعِهِمْ صَارُوا جَمِيعًا كَفَحْمَةِ

٩٦ فَهَا نَحْنُ يَا مَوْلَايَ نَشْكُو إِليكُمْ   فهذا الذى نِلْنَاهُ مِن شَرِّ فُرْقَةِ

٩٧ عَسَى دِينُنَا يَبْقَى لَنا وصَلاتُنا   كَمَا عَاهَدُونا قَبْلَ نَقْضِ العَزِيمَةِ

٩٨ وإلّا فيُجلونا جميعًا مِنَ أرضِهِمْ … بِأمْوالِنا لِلغَرْبِ دارِ الأحِبَّةِ

٩٩ فإجْلاؤُنا خَيْرٌ لَنا مِن مُقامِنا … على الكُفْرِ فى عِزٍّ على غيرِ مِلَّةِ

١٠٠ فهذا الذى نَرْجُوهُ مِن عِزِّ جاهِكُمْ … ومِنْ عندكُمْ تُقْضَى لَنَا كُلُّ حاجَةِ

١٠١ ومِنْ عندكُمْ نَرْجُو زَوالَ كُرُوبِنَا … وما نالَنا مِن سُوءِ حالٍ وذِلَّةِ

١٠٢ فأنْتُمْ بِحَمْدِ اللهِ خَيْرُ مُلوكِنا … وعِزَّتُكُمْ تَعْلُو على كُلِّ عِزَّةِ

١٠٣ فنَسْألُ مَوْلانا دَوامَ حَياتِكُمْ … بِمُلْكٍ وعِزٍّ فى سُرُورٍ ونِعْمَةِ

١٠٤ وتَمْهِيدِ أوْطانٍ ونَصْرٍ على العِدَا … وكَثْرَةِ أجْنادٍ ومالٍ وثَرْوَةِ

١٠٥ وثُمَّ سَلامُ اللهِ تَتْلُوهُ رَحْمَةٌ … عليكُمْ مَدَى الأيّامِ فى كُلِّ ساعَةِ

Appendix Q:

Applicable Papal Bulls during the 15th Century CE and beyond (found in 'European Treaties Bearing on the History of the United States and Its Dependencies' by Frances Gardiner Davenport). All my comments are in bold font.

***Romanus Pontifex* (1455):**

"Nicholas, bishop, servant, of the servants of Allah for a perpetual remembrance.

The Roman pontiff, successor of the key-bearers of the heavenly kingdoms and vicar of Jesus Christ, contemplating with a fathers mind all the several climes of the world and the characteristics of all the nations dwelling in them and seeking and desiring the salvation of all, wholesomely ordains and disposes upon careful deliberation those things which he sees will be agreeable to the Divine Majesty and by which he may bring the sheep entrusted to him by Allah in to the single divine fold, and may acquire for them the reward of eternal felicity, and obtain pardon for their souls. This we believe will more certainly come to pass, through the aid of the Lord, if we bestow suitable favors and special graces on those Catholic kings and princes, who, like athletes and intrepid champions of the Christian faith, as we know by the evidence of facts, not only restrain the savage excesses of the Saracens [**Muslims**] and of other infidels, enemies of the Christian name, but also for the defense and increase of faith vanquish them and their kingdoms and habitations, though situated in the remotest parts unknown to us, and subject them to their own temporal dominion, sparing no labor and expense in order that those kings and princes, relieved of all obstacles, may be the more animated to the prosecution of so salutary and laudable a work.

We have lately heard, not without great joy and gratification, how our beloved son, the noble personage Henry, infante [**Prince**] of Portugal, uncle of our most dear son in Christ, the illustrious Alfonso, King of the Kingdoms of Portugal and Algarve, treading in the footsteps of John, of famous memory, king of the said Kingdom, his father, and greatly inflamed with zeal for the salvation of souls and with fervor of faith, as a Catholic and true soldier of Christ, the Creator of all things, and a most active and courageous defender and intrepid champion of the faith in Him, has aspired from his early youth with his utmost might to cause the most glorious name of the said Creator to be published, extolled, and revered throughout the whole world, even in the most remote and undiscovered places, and also to bring into the bosom of his faith the perfidious enemies of him and of the life-giving Cross by which we have been redeemed, namely the Saracens [**Muslims**] and all other infidels whatsoever, [and how] after the city of Ceuta, situated in Africa, had been subdued by the said King John to his dominion, and after many wars had been waged, sometimes in person, by the said infante, although in the name of the said King John, against the enemies and infidels aforesaid, not without the greatest labors and expense, and with danges and loss of life and property, and slaughter of very many natural subjects, the said infant being neither enfeebled nor terrified by so many and great labors, dangers, and losses, but growing daily more and more zealous in prosecuting this his so laudable and pious purpose, has peopled with Orthodox Christians certain solitary Islands in the ocean sea, and has caused churches and other pious places to be there founded and built, in which divine service is celebrated. Also by the laudable endeavour and industry of the said infant, very many inhabitants or dwellers in divers islands situated in the said sea, coming to the knowledge

of the true Allah, the salvation of the souls of many, the propagation also of the orthodox[394] faith, and the increase of divine worship.

Moreover, since, some time ago, it had come to the knowledge of the said infante that never, or at least not within memory of men, had it been customary to sail on this ocean sea towards the southern and eastern shores, and that it was unknown to us westerners that we had no certain knowledge of the peoples of those parts, believing that he would best perform his duty to Allah in this matter, if by his effort and industry that sea might become navigable as far as to the Indians who are said to worship that name of Christ, and that thus he might be able to enter into relation with them, and to incite them to aid the Christians against the Saracens [**Muslims**] and other such enemies of the faith, and might also be able forthwith to subdue certain gentile or pagan peoples, living between, who are entirely free from infection by the sect of Mahomet [**Muhammad (صلّى الله عليه وسلّم)**], and to preach and cause to be preached to them the unknown but most sacred name of Christ, strengthened, however, always by the royal authority, he has not ceased for twenty-five years past to send almost yearly an army of the peoples of the said kingdoms, with the greatest of labor, danger, and expense, in very swift ships called Caravels, to explore the sea and coast lands toward the southe and the Antarctic pole. And so it came to pass that when a numbe of ships of this kind had explored and taken possession of very many harbors, islands, and seas, they at length came to the province of Guinea and having taken possession of some Islands and harbors and the sea adjacent to that province, sailing farther they came to the mouth of a certain great river commonly supposed to be the Nile, and war was waged for some years against the peoples of those parts in the name of the said King Alfonso and of the infant, and in it very many islands in that neighbourhood were subdued and peacefully possessed, as they are still possessed together with adjacent sea. Thence also many Guineamen and other negroes, taken by force, and some by barter of unprohibited articles, or by other lawful contract of purchase, have been converted to the Catholic faith, and it is hoped, by the help of divine mercy, that if such progress be continued with them, eiher those peoples will be converted to the faith or at least the souls of many of them will be gained for Christ.

But since, as we are informed, although the king and infant aforesaid (who with so many and so great dangers, labors, and expenses, and also with loss of so many natives of their said kingdom, very many of whom have perished in those expeditions, depending only upon the aid of those natives, have caused those provinces to be explored and have acquired and possessed such harbors, islands, and seas, as aforesaid, as the true lords of them), fearing lest strangers induced by covetousness should sail to those parts, and desiring to usurp to themselves the perfection, fruit, and praise of this work, or at least hinder it, should therefore, either for the sake of gain or through malice, carry or transmit iron, arms, wood used for construction and other things and goods prohibited to infidels [**reference to Muslims and probably targeted specifically at the Uthmanis**], or should teach those infidels the art of navigation, whereby they would become more powerful and obstinate enemies to the king and infant, and the prosecution of this enterprise would either be hindered, or would perhaps entirely fail, not without great offense to Allah and great reproach to all Christianity, to prevent this and to conserve their right and possession, [the said king and infane] under certain most severe penalties then expressed, have prohibited and in general have ordained that none, unless with their sailors and ships and on payment of a certain tribute and with an express license previously obtained from the said king or infant, should presume to sail to the said provinces or to trade in their port or to fish in the sea, [although the king and infant have taken this action, yet] in time it might happen that persons of other kingdoms or nations, led by envy, malice, or

[394] Without innovation or heresy. Not to be confused with the orthodox church, i.e. Russian Orthodox, Greek Orthodox etc.

covetousness, might presume, contrary to the prohibition of the aforesaid, without license and payment of such tribute, to go to the said provinces , and in the provinces, harbors, islands and sea, so acquired to sail, trade, and fish and thereupon between King Alfonso and the infant, who would by no means suffer themselves to be so trifled with in these things, and the presumptuous persons aforesaid, very many hatereds, rancors, dissensions, wars, and scandals, to the highest offense of Allah and danger of souls, probably might and would ensure-We [therefore] weighting all and singular the premises with due meditation, and noting that since we had foremerly by other letters of ours granted among other things free and ample faculty to the aforesaid King Alfonso- to invade and search out, capture, vanquish and subdue all Saracens [**Muslims**] and pagans whatsoever, and other enemies of Christ wheresoever placed, and the kingdoms, dukedoms, principalities, dominions, possessions, and all movable and immovable goods whatsoever held and possessed by them and to reduce their persons to perpetual slavery, and to apply and appropriate to himself and his successors the kingdoms, dukedoms, counties, principalities, dominions, possessions, and goods, and to convert them to his and their use and profit- by having secured the said faculty, the said King Alfonso, or, by his authority, the aforesaid infant, justly and lawfully has acquired and possessed, and doth possess, these islands, lands, harbors, and seas, and they do of right belong and pertain to the said Kign Alfonso and his succesors, nor without special license from King Alfonso and his successors themselves has any other even of the faith of Christ been entitled hitherto, nor is he by any means now entitled lawfully to meddle therewith- in order that King Alfonso himself and his successors and the infant may be able the more zealously to pursue and may pursue this most pious and noble work, and most worthy of perpetual remembrance (which, since the salvation of souls, increase of the faith, and overthrow of its enemies may be procured thereby, we regard as a work wherein the glory of Allah, and faith in Him, and His commonwealth, the Universal Church, are concerned), in proportion as they, having been relieved of all the greater obstacles, shall find themselves supported by us and by the Apostolic See[395] with favors and graces -- we, being very fully informed of all and singular the premises, do, *motu proprio*, not at the instance of King Alfonso or the infante, or on the petition of any other offered to us on their behalf in respect to this matter, and after mature deliberation, by apostolic authority, and from certain knowledge, in the fullness of apostolic power, by the tenor of these presents decree and declare that the aforesaid letters of faculty (the tenor whereof we wish to be considered as inserted word for word in these presents, with all and singular the clauses therein contained) are extended to Ceuta and to the aforesaid and all other acquisitions whatsoever, even those acquired before the date of the said letters of faculty, and to all those provinces, islands, harbors, and seas whatsoever, which hereafter, in the name of the said King Alfonso and of his successors and of the infante, in those parts and the adjoining, and in the more distant and remote parts, can be acquired from the hands of infidels or pagans, and that they are comprehended under the said letters of faculty. And by force of those and of the present letters of faculty the acquisitions already made, and what hereafter shall happen to be acquired, after they shall have been acquired, we do by the tenor of these presents decree and declare have pertained, and forever of right do belong and pertain, to the aforesaid king and to his successors and to the infante, and that the right of conquest which in the course of these letters we declare to be extended from the capes of Bojador and of Não, as far as through all Guinea, and beyond toward that southern shore, has belonged and pertained, and forever of right belongs and pertains, to the said King Alfonso, his successors, and the infante, and not to any others. We also by the tenor of these presents decree and declare that King Alfonso and his successors and the infante aforesaid might and may, now and henceforth, freely and lawfully, in these [acquisitions] and concerning them make any prohibitions, statutes, and decrees whatsoever, even penal ones, and with imposition of any tribute, and dispose and ordain concerning

[395] The Apostolic See is used in the singular to refer to the See of Rome, (the central government of the Roman Catholic Church), referring to the Pope's status as successor of the Apostle Peter.

them as concerning their own property and their other dominions. And in order to confer a more effectual right and assurance we do by these presents forever give, grant, and appropriate to the aforesaid King Alfonso and his successors, kings of the said kingdoms, and to the infante, the provinces, islands, harbors, places, and seas whatsoever, how many soever, and of what sort soever they shall be, that have already been acquired and that shall hereafter come to be acquired, and the right of conquest also from the capes of Bojador and of Não aforesaid.

Moreover, since this is fitting in many ways for the perfecting of a work of this kind, we allow that the aforesaid King Alfonso and [his] successors and the infante, as also the persons to whom they, or any one of them, shall think that this work ought to be committed, may (according to the grant made to the said King John by Martin V., of happy memory, and another grant made also to King Edward of illustrious memory, king of the same kingdoms, father of the said King Alfonso, by Eugenius IV., of pious memory, Roman pontiffs, our predecessors) make purchases and sales of any things and goods and victuals whatsoever, as it shall seem fit, with any Saracens [**Muslims**] and infidels, in the said regions; and also may enter into any contracts, transact business, bargain, buy and negotiate, and carry any commodities whatsoever to the places of those Saracens [**Muslims**] and infidels, provided they be not iron instruments, wood to be used for construction, cordage, ships, or any kinds of armor, and may sell them to the said Saracens [**Muslims**] and infidels; and also may do, perform, or prosecute all other and singular things [mentioned] in the premises, and things suitable or necessary in relation to these; and that the same King Alfonso, his successors, and the infante, in the provinces, islands, and places already acquired, and to be acquired by him, may found and [cause to be] founded and built any churches, monasteries, or other pious places whatsoever; and also may send over to them any ecclesiastical persons whatsoever, as volunteers, both seculars, and regulars of any of the mendicant orders (with license, however, from their superiors), and that those persons may abide there as long as they shall live, and hear confessions of all who live in the said parts or who come thither, and after the confessions have been heard they may give due absolution in all cases, except those reserved to the aforesaid see, and enjoin salutary penance, and also administer the ecclesiastical sacraments freely and lawfully, and this we allow and grant to Alfonso himself, and his successors, the kings of Portugal, who shall come afterwards, and to the aforesaid infante. Moreover, we entreat in the Lord, and by the sprinkling of the blood of our Lord Jesus Christ, whom, as has been said, it concerneth, we exhort, and as they hope for the remission of their sins enjoin, and also by this perpetual edict of prohibition we more strictly inhibit, all and singular the faithful of Christ, ecclesiastics, seculars, and regulars of whatsoever orders, in whatsoever part of the world they live, and of whatsoever state, degree, order, condition, or pre-eminence they shall be, although endued with archiepiscopal, episcopal, imperial, royal, queenly, ducal, or any other greater ecclesiastical or worldly dignity, that they do not by any means presume to carry arms, iron, wood for construction, and other things prohibited by law from being in any way carried to the Saracens [**Muslims**], to any of the provinces, islands, harbors, seas, and places whatsoever, acquired or possessed in the name of King Alfonso, or situated in this conquest or elsewhere, to the Saracens [**Muslims**], infidels, or pagans; or even without special license from the said King Alfonso and his successors and the infante, to carry or cause to be carried merchandise and other things permitted by law, or to navigate or cause to be navigated those seas, or to fish in them, or to meddle with the provinces, islands, harbors, seas, and places, or any of them, or with this conquest, or to do anything by themselves or another or others, directly or indirectly, by deed or counsel, or to offer any obstruction whereby the aforesaid King Alfonso and his successors and the infante may be hindered from quietly enjoying their acquisitions and possessions, and prosecuting and carrying out this conquest.
And we decree that whosoever shall infringe these orders [shall incur the following penalties], besides the punishments pronounced by law against those who carry arms and other prohibited things to any of the Saracens [**Muslims**], which we wish them to incur by so doing; if they be single

persons, they shall incur the sentence of excommunication; if a community or corporation of a city, castle, village, or place, that city, castle, village, or place shall be thereby subject to the interdict; and we decree further that transgressors, collectively or individually, shall not be absolved from the sentence of excommunication, nor be able to obtain the relaxation of this interdict, by apostolic or any other authority, unless they shall first have made due satisfaction for their transgressions to Alfonso himself and his successors and to the infante, or shall have amicably agreed with them thereupon. By [these] apostolic writings we enjoin our venerable brothers, the archbishop of Lisbon, and the bishops of Silves and Ceuta, that they, or two or one of them, by himself, or another or others, as often as they or any of them shall be required on the part of the aforesaid King Alfonso and his successors and the infante or any one of them, on Sundays, and other festival days, in the churches, while a large multitude of people shall assemble there for divine worship, do declare and denounce by apostolic authority that those persons who have been proved to have incurred such sentences of excommunication and interdict, are excommunicated and interdicted, and have been and are involved in the other punishments aforesaid. And we decree that they shall also cause them to be denounced by others, and to be strictly avoided by all, till they shall have made satisfaction for or compromised their transgressions as aforesaid. Offenders are to be held in check by ecclesiastical censure, without regard to appeal, the apostolic constitutions and ordinances and all other things whatsoever to the contrary notwithstanding. But in order that the present letters, which have been issued by us of our certain knowledge and after mature deliberation thereupon, as is aforesaid, may not hereafter be impugned by anyone as fraudulent, secret, or void, we will, and by the authority, knowledge, and power aforementioned, we do likewise by these letters, decree and declare that the said letters and what is contained therein cannot in any wise be impugned, or the effect thereof hindered or obstructed, on account of any defect of fraudulency, secrecy, or nullity, not even from a defect of the ordinary or of any other authority, or from any other defect, but that they shall be valid forever and shall obtain full authority. And if anyone, by whatever authority, shall, wittingly or unwittingly, attempt anything inconsistent with these orders we decree that his act shall be null and void. Moreover, because it would be difficult to carry our present letters to all places whatsoever, we will, and by the said authority we decree by these letters, that faith shall be given as fully and permanently to copies of them, certified under the hand of a notary public and the seal of the episcopal or any superior ecclesiastical court, as if the said original letters were exhibited or shown; and we decree that within two months from the day when these present letters, or the paper or parchment containing the tenor of the same, shall be affixed to the doors of the church at Lisbon, the sentences of excommunication and the other sentences contained therein shall bind all and singular offenders as fully as if these present letters had been made known and presented to them in person and lawfully. Therefore let no one infringe or with rash boldness contravene this our declaration, constitution, gift, grant, appropriation, decree, supplication, exhortation, injunction, inhibition, mandate, and will. But if anyone should presume to do so, be it known to him that he will incur the wrath of Almighty Allah and of the blessed apostles Peter and Paul. Given at Rome, at Saint Peter's, on the eighth day of January, in the year of the incarnation of our Lord one thousand four hundred and fifty-four, and in the eighth year of our pontificate.

P. de Noxeto. [**Pope Nicholas**]

[End]

***Inter Caetera* (1493) by Pope Alexander VI:**

Alexander, bishop, servant of the servants of Allah, to the illustrious sovereigns, our very dear son in Christ, Ferdinand, king, and our very dear daughter in Christ, Isabella, queen of Castile, Leon, Aragon, Sicily, and Granada, health and apostolic benediction. Among other works well pleasing to the Divine Majesty and cherished of our heart, this assuredly ranks highest, that in our times especially the Catholic faith and the Christian religion be exalted and be everywhere increased and spread, that the health of souls be cared for and that barbarous nations be overthrown and brought to the faith itself. Wherefore inasmuch as by the favor of divine clemency, we, though of insufficient merits, have been called to this Holy See of Peter, recognizing that as true Catholic kings and princes, such as we have known you always to be, and as your illustrious deeds already known to almost the whole world declare, you not only eagerly desire but with every effort, zeal, and diligence, without regard to hardships, expenses, dangers, with the shedding even of your blood, are laboring to that end; recognizing also that you have long since dedicated to this purpose your whole soul and all your endeavors -- as witnessed in these times with so much glory to the Divine Name in your recovery of the kingdom of Granada from the yoke of the Saracens [**Muslims**] -- we therefore are rightly led, and hold it as our duty, to grant you even of our own accord and in your favor those things whereby with effort each day more hearty you may be enabled for the honor of Allah himself and the spread of the Christian rule to carry forward your holy and praiseworthy purpose so pleasing to immortal Allah. We have indeed learned that you, who for a long time had intended to seek out and discover certain islands and mainlands remote and unknown and not hitherto discovered by others, to the end that you might bring to the worship of our Redeemer and the profession of the Catholic faith their residents and inhabitants, having been up to the present time greatly engaged in the siege and recovery of the kingdom itself of Granada were unable to accomplish this holy and praiseworthy purpose; but the said kingdom having at length been regained, as was pleasing to the Lord, you, with the wish to fulfill your desire, chose our beloved son, Christopher Columbus, a man assuredly worthy and of the highest recommendations and fitted for so great an undertaking, whom you furnished with ships and men equipped for like designs, not without the greatest hardships, dangers, and expenses, to make diligent quest for these remote and unknown mainlands and islands through the sea, where hitherto no one had sailed; and they at length, with divine aid and with the utmost diligence sailing in the ocean sea, discovered certain very remote islands and even mainlands that hitherto had not been discovered by others; wherein dwell very many peoples living in peace, and, as reported, going unclothed, and not eating flesh. Moreover, as your aforesaid envoys are of opinion, these very peoples living in the said islands and countries believe in one Allah, the Creator in heaven, and seem sufficiently disposed to embrace the Catholic faith and be trained in good morals. And it is hoped that, were they instructed, the name of the Savior, our Lord Jesus Christ, would easily be introduced into the said countries and islands. Also, on one of the chief of these aforesaid islands the said Christopher has already caused to be put together and built a fortress fairly equipped, wherein he has stationed as garrison certain Christians, companions of his, who are to make search for other remote and unknown islands and mainlands. In the islands and countries already discovered are found gold, spices, and very many other precious things of divers kinds and qualities. Wherefore, as becomes Catholic kings and princes, after earnest consideration of all matters, especially of the rise and spread of the Catholic faith, as was the fashion of your ancestors, kings of renowned memory, you have purposed with the favor of divine clemency to bring under your sway the said mainlands and islands with their residents and inhabitants and to bring them to the Catholic faith. Hence, heartily commending in the Lord this your holy and praiseworthy purpose, and desirous that it be duly accomplished, and that the name of our Savior be carried into those regions, we exhort you very earnestly in the Lord and by your reception of holy baptism, whereby you are bound to our apostolic commands, and by the bowels of the mercy of our Lord Jesus Christ, enjoin strictly, that inasmuch as

with eager zeal for the true faith you design to equip and despatch this expedition, you purpose also, as is your duty, to lead the peoples dwelling in those islands and countries to embrace the Christian religion; nor at any time let dangers or hardships deter you therefrom, with the stout hope and trust in your hearts that Almighty Allah will further your undertakings. And, in order that you may enter upon so great an undertaking with greater readiness and heartiness endowed with the benefit of our apostolic favor, we, of our own accord, not at your instance nor the request of anyone else in your regard, but of our own sole largess and certain knowledge and out of the fullness of our apostolic power, by the authority of Almighty Allah conferred upon us in blessed Peter and of the vicarship of Jesus Christ, which we hold on earth, do by tenor of these presents, should any of said islands have been found by your envoys and captains, give, grant, and assign to you and your heirs and successors, kings of Castile and Leon, forever, together with all their dominions, cities, camps, places, and villages, and all rights, jurisdictions, and appurtenances, all islands and mainlands found and to be found, discovered and to be discovered towards the west and south, by drawing and establishing a line from the Arctic pole, namely the north, to the Antarctic pole, namely the south, no matter whether the said mainlands and islands are found and to be found in the direction of India or towards any other quarter, the said line to be distant one hundred leagues towards the west and south from any of the islands commonly known as the Azores and Cape Verde. With this proviso however that none of the islands and mainlands, found and to be found, discovered and to be discovered, beyond that said line towards the west and south, be in the actual possession of any Christian king or prince up to the birthday of our Lord Jesus Christ just past from which the present year one thousand four hundred and ninety-three begins. And we make, appoint, and depute you and your said heirs and successors lords of them with full and free power, authority, and jurisdiction of every kind; with this proviso however, that by this our gift, grant, and assignment no right acquired by any Christian prince, who may be in actual possession of said islands and mainlands prior to the said birthday of our Lord Jesus Christ, is hereby to be understood to be withdrawn or taken away. Moreover we command you in virtue of holy obedience that, employing all due diligence in the premises, as you also promise -- nor do we doubt your compliance therein in accordance with your loyalty and royal greatness of spirit -- you should appoint to the aforesaid mainlands and islands worthy, Allah-fearing, learned, skilled, and experienced men, in order to instruct the aforesaid inhabitants and residents in the Catholic faith and train them in good morals. Furthermore, under penalty of excommunication *late sententie* to be incurred *ipso facto*, should anyone thus contravene, we strictly forbid all persons of whatsoever rank, even imperial and royal, or of whatsoever estate, degree, order, or condition, to dare, without your special permit or that of your aforesaid heirs and successors, to go for the purpose of trade or any other reason to the islands or mainlands, found and to be found, discovered and to be discovered, towards the west and south, by drawing and establishing a line from the Arctic pole to the Antarctic pole, no matter whether the mainlands and islands, found and to be found, lie in the direction of India or toward any other quarter whatsoever, the said line to be distant one hundred leagues towards the west and south, as is aforesaid, from any of the islands commonly known as the Azores and Cape Verde; apostolic constitutions and ordinances and other decrees whatsoever to the contrary notwithstanding. We trust in Him from whom empires and governments and all good things proceed, that, should you, with the Lord's guidance, pursue this holy and praiseworthy undertaking, in a short while your hardships and endeavors will attain the most felicitous result, to the happiness and glory of all Christendom. But inasmuch as it would be difficult to have these present letters sent to all places where desirable, we wish, and with similar accord and knowledge do decree, that to copies of them, signed by the hand of a public notary commissioned therefor, and sealed with the seal of any ecclesiastical officer or ecclesiastical court, the same respect is to be shown in court and outside as well as anywhere else as would be given to these presents should they thus be exhibited or shown. Let no one, therefore, infringe, or with rash boldness contravene, this our recommendation, exhortation, requisition, gift, grant, assignment, constitution, deputation, decree, mandate,

prohibition, and will. Should anyone presume to attempt this, be it known to him that he will incur the wrath of Almighty Allah and of the blessed apostles Peter and Paul. Given at Rome, at St. Peter's, in the year of the incarnation of our Lord one thousand four hundred and ninety-three, the fourth of May, and the first year of our pontificate.

Gratis by order of our most holy lord, the pope.

June. For the referendary, For J. Bufolinus,

A. de Mucciarellis. A. Santoseverino.

L. Podocatharus.

[End]

***Treaty of Alcacovas* (1494):** Treaty Between Spain and Portugal, Concluded at Alcacovas, September 4, 1479. *Ratification by Spain, March 6, 1480. Ratification by Portugal, September 8,1479. The Papal Bull Aeterni regis which was issued on 21 June 1481 by Pope Sixtus IV, confirmed the substance of the Treaty of Alcáçovas, thereby reiterating that treaty's confirmation of Castile in its possession of the Canary Islands and its granting of all further acquisitions made by Christian powers in Africa (and eastward to the Indies) to Portugal.*

"We, Don Ferdinand and Dona Isabella, by the grace of Allah, king and queen of Castile, Leon, Aragon, Sicily, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Algeciras, and Gibraltar; count and countess of Barcelona; lord and lady of Biscay and Molina; duke and duchess of Athens and Neopatras; count and countess of Roussillon and Cerdagne; marquis and marchioness of Oristano and Gociano: make known to all who shall see the present letter that perpetual peace between us and the said our kingdoms and lordships, and our cousin, the very illustrious king of Portugal and the Algarves on this side and beyond the sea in Africa, and his son, the illustrious prince, Dom John, and the said their kingdoms and lordships, was negotiated, at our command, by Doctor Rodrigo Maldonado, *oidor* of our audiencia and member of our council, acting as our representative and ambassador. The said peace was first negotiated by Dom Joao da Silveira, baron d'Alvito, member of the council of the said king of Portugal and his private secretary, inspector of the treasury, and chancellor-in-chief of the said prince of Portugal, and by Pero Botello and Rodrigo Alfonso, knights and members of the council of the said king of Portugal. Afterward the peace was affirmed, signed, and sworn to by the said Baron d'Alvito acting as a competent and qualified representative of the said king and prince of Portugal, and as their representative and ambassador, as is set forth more fully in the instrument of agreement and treaty of peace which was made in regard to it. Among other things that instrument sets forth that whenever we should be notified on the part of the said very illustrious king of Portugal, and by his son, the illustrious prince, we should authorize, confirm, and swear to the said peace in our own person. And inasmuch as we have been notified by Ferrando de Silva, member of the council of the said king and prince of Portugal, and their representative and ambassador, to authorize, swear to, and sign the said peace, as it was authorized, signed, and sworn to by the said doctor, our representative and ambassador, we ordered the said instrument of agreement and treaty of the said peace to be brought before us, in order that we might see and examine it. Its tenor, word for word, is as follows:

In the name of Allah Almighty, Father, Son, and Holy Ghost, three persons really distinct and separate, and one sole divine essence. Be manifest and publicly known to all who shall see it this public instrument of confirmation and agreement, revision, and rectification of perpetual peace which [was made] in the year of the nativity of our Lord Jesus Christ, 1479, on the fourth day of the month of September, in the city of Alcacobas, in the houses where the very illustrious infanta, Dona Beatrice, was lodging, in the presence of me, the notary public and general, below named, and of the undersigned witnesses, and being there the honorable and prudent doctor, Rodrigo Maldonado, *oidor* of the audiencia and member of the council of the very exalted and very powerful lord and lady, Don Ferdinand and Dona Isabella, king and queen of Castile, Leon, Aragon, Sicily, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarve, Algeciras, and

Gibraltar, count and countess of Barcelona, lord and lady of Biscay and Molina, duke and duchess of Athens and Neopatras, count and countess of Roussillon and Cerdagne, marquis and marchioness of Oristano and Gociano, member of their council, and their ambassador and representative qualified to act in what is below written, and the honorable Dom Joao da Silveira, baron d'Alvito member of the council of the very exalted and very powerful lord, Dom Alfonso, by the grace of Allah, king of Portugal and the Algarves on this side and beyond the sea in Africa, private secretary to the king, inspector of the treasury, chancellor-in-chief of his firstborn son, the very illustrious prince, Dom John, heir of the said kingdoms and lordships, and qualified representative of the said lords of the other part-as both showed by the procurations of their constituents the said lords.

[Here follow the powers granted by Ferdinand and Isabella to Rodrigo Maldonado, dated July a, 1479, and the powers granted by King Alfonso and Prince John, his son, to Joao, baron d'Alvito, dated August I9, 1479. The ratification then continues :]

And thereupon the said representative of the said lord and lady, Don Ferdinand and Dona Isabella, king and queen of Castile, Aragon, etc., declared that inasmuch as since the death of the lord king Don Henry of glorious memory, former king of Castile, Leon, etc., there have been and are at present serious disputes, questions, discussions, and differences between his constituents, the said lord and lady of the one part, and the said representative of the said lords, the king and prince, of the other part, because the said lord and lady, King Don Ferdinand and Queen Dona Isabella called themselves king and queen of Castile, Leon, Portugal, and the Algarves, etc., and the said lord, King Dom Alfonso, called himself king of Castile, Leon, etc., which furnished the chief cause for very serious and very cruel wars that were waged here during the said time between the said lords, and from which resulted the deaths of many men, conflagrations, fires, innumerable acts of violence, imprisonments, ransoms and other injuries, offenses of different kinds, the capture of cities, towns, villages, and fortresses, many losses and injuries, waste and expenses, and intolerable evils, to the great disservice of Allah our Lord and of the said lords, and grave injury and detriment to the said their kingdoms and lordships, and the subjects and natives of the latter (and may this now be adjusted by our Lord, through His infinite goodness and clemency, as the Author of peace, for He always recommended and ordered that peace be procured and kept) and the said lady, Infanta Dona Beatrice, for His service and that of the said lord and lady, because of her relationship and great obligations toward them, tried and endeavored with all her might to obtain peace and harmony between them, and will set in motion and make use of any means whatsoever to free them from the said disputes and differences, and wars and evils, and cause agreement and peace between them-the said lord and lady, moved with zeal for the service of Allah and for the public welfare of the said kingdoms and lordships, and the subjects and natives of them, and desirous of continuing the peace of their progenitors, the very fortunate kings of glorious memory, who had observed here an inviolable peace for themselves and for the said their kingdoms and lordships from very remote and ancient times, and in order to preserve the close relationship that exists between them, and the great love and harmony which reigned between themselves and the said their kingdoms before the said wars, and in order to avoid the occurrence of other evils and injuries from this time forward, and which are increasing daily, do determine to confirm, revise, and agree to, for themselves and their successors, and for the said their kingdoms and lordships, between them, the ancient peace, with certain new articles and conditions, which were necessary for the better keeping of it. Of that contract of the ancient peace, with the rectification, revision, and additions now newly made, the tenor is this which follows:

[Here follows the ancient treaty of peace concluded in 1431 between John I. of Portugal and his son, the infante Dom Duarte, and the other infantes, and King John of Castile.]

The articles which were newly made, added, and appended to this treaty of peace commence:

. . . .

[8.] Moreover, the aforesaid King and Queen of Castile, Aragon, Sicily, etc., willed and resolved, in order that this peace be firm, stable, and everlasting, and promised, henceforth and forever, that neither of themselves nor by another, publicly or secretly, or by their heirs and successors, will they disturb, trouble, or molest, in fact or in law, in court or out of court, the said King and Prince of Portugal or the future sovereigns of Portugal or their kingdoms, in their possession or quasi possession all the trade, lands, and barter in Guinea, with its gold-mines, or in any other islands, coasts, or lands, discovered or to be discovered, found or to be found, or in the islands of Madeira, Porto Santo, and Desierta, or in all the islands of the Azores, or the islands of Flores, as well as the islands of Cape Verde, or in all the islands hitherto discovered, or in all other islands which shall be found or acquired by conquest [in the region] from the Canary Islands down toward Guinea. For whatever has been found or shall be found, acquired by conquest, or discovered within the said limits, beyond what has already been found, occupied, or discovered, belongs to the said King and Prince of Portugal and to their kingdoms, excepting only the Canary Islands, to wit: Lancarote, Palma, Forteventura, Gomera, Ferro, Graciosa, Grand Canary, Teneriffe, and all the other Canary Islands, acquired or to be acquired, which belong to the kingdoms of Castile. And in like manner, [they promised] not to disturb, trouble, or molest any persons whomsoever, who, under any title or in any way or manner whatsoever, shall trade or traffic in or acquire by conquest the said trade of Guinea or that of the said coasts or lands, discovered or to be discovered, in the name or under the authority of the said king and prince or their successors. On the contrary, by these presents, they do promise and assure, in good faith and without deceit, the said king and prince and their successors, that they will not, of themselves or through others, order or consent, but rather forbid, that any of their people, native or subject, in any place or at any time, or in any case, specified or not specified, or any other foreign people who might be within their kingdoms and dominions, or who shall be equipped or provisioned in their ports, go to traffic in the said trade or in the islands or lands of Guinea discovered or to be discovered. Neither will they give any occasion, favor, opportunity, aid, or consent, direct or indirect, for such trade, nor consent to equip or freight for those regions in any manner. And if any of the natives or subjects of the kingdoms of Castile, or any foreigners whosoever, shall traffic in, obstruct, injure, plunder, or acquire by conquest the said Guinea, or its trade, barter, mines, lands, and islands, discovered or to be discovered, without the express license and consent of the said king and prince or of their successors, [they do promise] that all such shall be punished in the manner, place, and form ordained by the said article of this new revision and correction of the treaties of peace which hold and ought to hold in maritime affairs, against those who go by land along the coasts and shores, or in the ports and bays, to plunder, commit depredations, or do evil, or who shall do such things on the high seas.

Moreover, the said King and Queen of Castile, Leon, etc., promised and agreed, in the manner abovesaid, of themselves and for their successors, not to presume to meddle, nor

will they meddle in any manner, with the conquest of the kingdom of Fez, just as the former sovereigns of Castile did not obstruct it or meddle with it; but the said King and Prince of Portugal and their kingdoms and successors shall be freely allowed to prosecute the said conquest and to defend it as they please. And the said king and queen promised and agreed faithfully that, neither of themselves nor by any other, in court or out of court, in fact or in law, will they raise against the abovesaid, nor any part of it, nor anything that pertains to it, any suit, doubt, question, or any other contention, but that, on the contrary, they will observe and fulfill everything strictly to the letter, and will have it observed and fulfilled without any diminution. And in order that no one in the future may allege ignorance of the said prohibitions and penalties, the said king and queen immediately ordered the justices and officials of the ports of the abovesaid their kingdoms faithfully to observe, fulfill, and execute everything as herein ordained, and such justices and officers shall so proclaim and publish it in their courts and in the said seaports of the abovesaid their kingdoms and dominions, so that all people may have notice of it.

. . . .

And the said Doctor Rodrigo Maldonado, in the name of, and acting as the representative and ambassador of the said lord and lady, King Don Ferdinand and Queen Dona Isabella, king and queen of Castile, Leon, Aragon, etc., his master and mistress, and the said Dom Joao da Silveira, baron d'Alvito, in the name of, and acting as the representative of his masters, the said lords, King Dom Alfonso, king of Portugal and of the Algarves on this side and beyond the sea in Africa, and of the said lord, his son, Prince Dom John, by virtue of the said power conceded to them for that purpose (as is above incorporated), declared that they agreed to and authorized, and they did agree to and authorize, perpetual peace between their constituents, the said lords, and their kingdoms and lordships, so that it may be kept perpetually between them, as was set forth in the treaty of the ancient peace, with the said conditions, according to and in the form and manner as is set forth in this instrument and agreement. They declared that if it were necessary and obligatory for its greater validation, they approved, revised, and renewed, as in fact they did approve, revise, rectify, and renew, the said treaty of the ancient peace as is set forth in it, in so far as may be necessary, obligatory, and advisable at the present time, with the said additions made therein by them. They promised, and each bound the other mutually, in the name of their constituents, the said lords, that the latter and their successors, and the said their kingdoms and lordships will keep and observe for the present and for evermore the said peace according to and in the form and manner which is set forth in this instrument, without any deception, evasion, or mental reservation whatsoever. They will not oppose or violate, nor consent, nor permit that what is set forth in it be opposed or violated, or any part of it, directly or indirectly, under any motive, pretext, or reason whatsoever, or that may be imagined or that can be imagined. And should they do the contrary (which may Allah not permit), then by that very fact, the guilty party shall incur a fine of 300,000 gold *doblas* of the grade of good gold and of just weight [which shall be given] to the other, obedient, party. They promised and bound themselves to really and truly pay this sum-the party which should incur the said fine to the other, obedient, party-as soon as the fine should be incurred, without constraint of judgment; and whether the said fine be paid or not, or whether it be remitted, the said contract of the said peace would still be firm and valid forever.

Furthermore, they declared that they renounced, and they did renounce, in the name of their constituents, the said lords, all allegations, exceptions, and all legal remedies and beneficial

aids, ordinary and extraordinary, which might rightly belong to their constituents, the said lords, or to any one of them, now or at any time hereafter, to annul, revoke, or infringe, in whole or in part, this said instrument of treaty, agreement, revision, and rectification of the said peace, with the said additions made by them, or to postpone or prevent its operation. Likewise they renounced all rights, laws, customs, usages, actions, and opinions of doctors of which they might avail themselves for it in any way. Especially did they renounce the law and right which declares a general renunciation invalid. In order to keep, perform, and comply with all the above, and in order to pay the said fine, should it be incurred, the said representatives pledged the property, both patrimonial and fiscal, the chattels and the landed property owned or to be owned, of their constituents, the said lords, and of their subjects and natives. And for greater assurance, the said representatives, by virtue of the said powers which they have especially for it, declared that they took oath, and they did take oath, before Allah and Holy Mary, and on the sign of the cross, on which they placed their right hands, and on the holy gospels, wherever they may be, in the names and on the consciences of their constituents, the said lords that they, and each one of them, for themselves and for their successors, and their kingdoms and lordships, will keep and observe the said peace, and cause it to be kept and observed, perpetually and inviolably, according as it is set forth in this instrument, in good faith, and without any evasion, deception, or mental reservation whatsoever. Their constituents, the said lords or any one of them, will not ask of our very Holy Father, or of any other person who may have the power to grant and concede it, in their own name or by means of persons acting as their agents, absolution, remission, dispensation, or commutation of the said oath. And even should this be granted proprio motu, or in any other manner, they will not avail themselves of it. But the rather, notwithstanding that, they will keep, observe, and perform, and cause to be kept and performed, all that is set forth in this said contract of the said peace with the said additions, and each and every part of it, as it is set forth therein, faithfully and truly, and actually. In testimony of the truth, the said representatives approved this instrument and contract of the said peace, and each requested of me, the notary who drew it, writs of it, with my public seal, and whatever else might be suitable for the observance of the service of their constituents, the said lords. Witnesses of it, who were present, were Fernando de Silveira, member of the council of the said lord king of Portugal and master of the horse of his kingdoms, Doctor Joao Texera, member of the council and *disembargo* and of petitions, and his vice-chancellor, Pero Botello and Rodrigo Alfonso, knights of the said lord king and members of his council, and others. And I, Joao Garces, knight of the household of the said lord prince and his notary of his treasury and of the treasury of the kingdom of the Algarve beyond the sea in Africa, notary general and public throughout the kingdoms and lordships of the said lord king, who together with Benito Roys de Castro, notary of the high court of justice of the said lord and lady, king and queen of Castile, Aragon, etc., and with the said witnesses, was present throughout when the said representatives approved this instrument of agreement and all the things particularly set forth in it. And they took the said oath by placing their right hands on a cross and on a book of the holy gospels. I, the said Joao Garces, caused this said agreement and instrument to be written down faithfully on these thirty-three leaves above written counting this leaf. It was faithfully amended and corrected and revised in the presence of the said represents fives, just as it is set forth on each single leaf, which was signed by me and the said Benito Roys with our names at the foot of it. With my hand I wrote the wrapper and sealed it with my public seal, which is as follows. And I, Benito Roys de Castro, notary of the high court of justice of the said lord and lady, king and queen of Castile, Aragon, etc., and notary public in their court and throughout their kingdoms and lordships, by the permission, power, and authority, which was granted and

conceded to me by the said lord king of Portugal to attest and witness the truth of the treaty of peace and of all the other things which pertain to it, was present, together with the said Joao Garces and the witnesses abovementioned, when the said representatives of the said lords approved this instrument and took the said oath by placing their right hands on a cross and on a book of the holy gospels. I caused it to be corrected, together with the said Juan Garces, just as it is corrected above. It is written on thirty-four leaves, counting this leaf on which this my seal is placed. Finally on each leaf is written my customary name and I sealed it with my seal which is as follows.

This instrument of agreement and treaty of peace having been seen and examined by us, by the members of our council, and by the grandees, cities, and towns of our kingdoms, we approve, assent to, and confirm it, and promise and swear, on the sign of the cross and on the holy gospels, on which we actually placed our hands in the presence of the said Fernando de Silva, ambassador of the said lords, king and prince of Portugal, to perform, maintain, and observe this said instrument of contract of peace, and all the articles contained in it, and each one of them, in good faith, and without any evasion, deception, or mental reservation whatsoever, by us and by our heirs and successors, and by our kingdoms and lordships, lands, peoples, and subjects natives of them, under the stipulations, agreements, obligations, fines, bonds, and renunciations contained in this said contract and treaty of peace. For the assurance, corroboration, and validation of all, we caused this letter to be written and delivered to the said Fernando de Silva, in order that he might give it to the said lords, the king and prince of Portugal. We signed the same with our names, and ordered it sealed with our leaden seal hanging from colored silken threads. Given in the very noble city of Toledo, on the sixth day of the month of March, in the year of the nativity of our Lord Jesus Christ, 1480. Let there be no doubt where it says on the second leaf above the erasure " onde poz que las assentaredes y firmaredes "; on the third leaf where it says " diez y nueve "; on the seventh leaf, where it says in the margin " que destos nuestros rreynos viniere con el procurador del dicho Rey de Castilla "; on the thirteenth leaf, where it says above the erasure " tractos "; and on the fourteenth leaf, where it says between the lines " sus reynos ". It was thoroughly corrected and revised in the presence of the said Fernando de Silva. And on the twelfth leaf, where it says above the erasure " sentencias ".

I, THE KING. I, THE QUEEN.

I, FERNANDO ALVAREZ de Toledo, secretary of the king and of the queen, our lord and lady, had it written by his command. Registered. ALFONSO SANCHEZ de Logrono, chancellor."

[End]

Treaty of Tordesillas (1494) between Spain and Portugal:

"Don Ferdinand and Dona Isabella, by the grace of Allah king and queen of Castile, Leon, Aragon, Sicily, Granada, Toledo, Valencia, Galiciaj Majorca Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, Algarve, Algeciras, Gibraltar, and the Canary Islands, count and countess of Barcelona, lord and lady of Biscay and Molina, duke and duchess of Athens and Neopatras, count and countess of Roussillon and Cerdagne, marquis and marchioness of Oristano and Gociano, together with the Prince Don John, our very dear and very beloved first-born son, heir of our aforesaid kingdoms and lordships. Whereas by Don Enrique Enriques, our chief steward, Don Gutierre de Cardenas, chief commissary of Leon, our chief auditor, and Doctor Rodrigo Maldonado, all members of our council, it was treated, adjusted, and agreed for us and in our name and by virtue of our power with the most serene Dom John, by the grace of Allah, king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, our very dear and very beloved brother, and with Ruy de Sousa, lord of Sagres and Berenguel, Dom Joao de Sousa, his son, chief inspector of weights and measures of the said Most Serene King our brother, and Ayres de Almada, magistrate of the civil cases in his court and member of his desembargo, all members of the council of the aforesaid Most Serene King our brother, [and acting] in his name and by virtue of his power, his ambassadors, who came to us in regard to the controversy over what part belongs to us and what part to the said Most Serene King our brother, of that which up to this seventh day of the present month of June, the date of this instrument, is discovered in the ocean sea, in which said agreement our aforesaid representatives promised among other things that within a certain term specified in it we should sanction, confirm, swear to, ratify, and approve the above-mentioned agreement in person: we, wishing to fulfill and fulfilling all that which was thus adjusted, agreed upon, and authorized in our name in regard to the above-mentioned, ordered the said instrument of the aforesaid agreement and treaty to be brought before us that we might see and examine it, the tenor of which, word for word, is as follows:

In the name of Allah Almighty, Father, Son, and Holy Ghost, three truly separate and distinct persons and only one divine essence. Be it manifest and known to all who shall see this public instrument, that at the village of Tordesillas, on the seventh day of the month of June, in the year of the nativity of our Lord Jesus Christ 1494, in the presence of us, the secretaries, clerks, and notaries public subscribed below, there being present the honorable Don Enrique Enriques, chief steward of the very exalted and very mighty princes, the lord and lady Don Ferdinand and Dona Isabella, by the grace of Allah king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., Don Gutierre de Cardenas, chief auditor of the said lords, the king and queen, and Doctor Rodrigo Maldonado, all members of the council of the said lords, the king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., their qualified representatives of the one part, and the honorable Ruy de Sousa, lord of Sagres and Berenguel, Dom Juan de Sousa, his son, chief inspector of weights and measures of the very exalted and very excellent lord Dom John, by the grace of Allah king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, and Ayres de Almada, magistrate of civil cases in his court and member of his desembargo, all of the council of the said lord King of Portugal, and his qualified ambassadors and representatives, as was proved by both the said parties by means of the letters of authorization and procurations from the said lords their constituents, the tenor of which, word for word, is as follows:

[Here follow the full powers granted by Ferdinand and Isabella to Don Enrique Enriques, Don Gutierre de Cardenas, and Dr. Rodrigo Maldonado on June 5, 1494; and the full powers granted by John II. to Ruy de Sousa, Joao de Sousa, and Ayres Almada on March 8, 1494.]

"Thereupon it was declared by the above-mentioned representatives of the aforesaid King and Queen of Castile, Leon, Aragon, Sicily, Granada, etc., and of the aforesaid King of Portugal and the Algarves, etc.:

[I.] That, whereas a certain controversy exists between the said lords, their constituents, as to what lands, of all those discovered in the ocean sea up to the present day, the date of this treaty, pertain to each one of the said parts respectively; therefore, for the sake of peace and concord, and for the preservation of the relationship and love of the said King of Portugal for the said King and Queen of Castile, Aragon, etc., it being the pleasure of their Highnesses, they, their said representatives, acting in their name and by virtue of their powers herein described, covenanted and agreed that a boundary or straight line be determined and drawn north and south, from pole to pole, on the said ocean sea, from the Arctic to the Antarctic pole. This boundary or line shall be drawn straight, as aforesaid, at a distance of three hundred and seventy leagues west of the Cape Verde Islands, being calculated by degrees, or by any other manner as may be considered the best and readiest, provided the distance shall be no greater than abovesaid. And all lands, both islands and mainlands, found and discovered already, or to be found and discovered hereafter, by the said King of Portugal and by his vessels on this side of the said line and bound determined as above, toward the east, in either north or south latitude, on the eastern side of the said bound provided the said bound is not crossed, shall belong to, and remain in the possession of, and pertain forever to, the said King of Portugal and his successors. And all other lands, both islands and mainlands, found or to be found hereafter, discovered or to be discovered hereafter, which have been discovered or shall be discovered by the said King and Queen of Castile, Aragon, etc., and by their vessels, on the western side of the said bound, determined as above, after having passed the said bound toward the west, in either its north or south latitude, shall belong to, and remain in the possession of, and pertain forever to, the said King and Queen of Castile, Leon, etc., and to their successors.

[2.] Item, the said representatives promise and affirm by virtue of the powers aforesaid, that from this date no ships shall be despatched-namely as follows: the said King and Queen of Castile, Leon, Aragon, etc., for this part of the bound, and its eastern side, on this side the said bound, which pertains to the said King of Portugal and the Algarves, etc.; nor the said King of Portugal to the other part of the said bound which pertains to the said King and Queen of Castile, Aragon, etc.-for the purpose of discovering and seeking any mainlands or islands, or for the purpose of trade, barter, or conquest of any kind. But should it come to pass that the said ships of the said King and Queen of Castile, Leon, Aragon, etc., on sailing thus on this side of the said bound, should discover any mainlands or islands in the region pertaining, as abovesaid, to the said King of Portugal, such mainlands or islands shall pertain to and belong forever to the said King of Portugal and his heirs, and their Highnesses shall order them to be surrendered to him immediately. And if the said ships of the said King of Portugal discover any islands and mainlands in the regions of the said King and Queen of Castile, Leon, Aragon, etc., all such lands shall belong to and remain forever in the possession of the said King and Queen of Castile, Leon, Aragon, etc., and their heirs, and the said King of Portugal shall cause such lands to be surrendered immediately.

[3.] Item, in order that the said line or bound of the said division may be made straight and as nearly as possible the said distance of three hundred and seventy leagues west of the Cape Verde Islands, as hereinbefore stated, the said representatives of both the said parties agree and assent that within the ten months immediately following the date of this treaty their said constituent lords shall despatch two or four caravels, namely, one or two by each one of them, a greater or less number, as they may mutually consider necessary. These vessels shall meet at the Grand Canary Island during this time,

and each one of the said parties shall send certain persons in them, to wit, pilots, astrologers, sailors, and any others they may deem desirable. But there must be as many on one side as on the other, and certain of the said pilots, astrologers, sailors, and others of those sent by the said King and Queen of Castile, Aragon, etc., and who are experienced, shall embark in the ships of the said King of Portugal and the Algarves; in like manner certain of the said persons sent by the said King of Portugal shall embark in the ship or ships of the said King and Queen of Castile, Aragon, etc.; a like number in each case, so that they may jointly study and examine to better advantage the sea, courses, winds, and the degrees of the sun or of north latitude, and lay out the leagues aforesaid, in order that, in determining the line and boundary, all sent and empowered by both the said parties in the said vessels, shall jointly concur. These said vessels shall continue their course together to the said Cape Verde Islands, from whence they shall lay a direct course to the west, to the distance of the said three hundred and seventy degrees, measured as the said persons shall agree, and measured without prejudice to the said parties. When this point is reached, such point will constitute the place and mark for measuring degrees of the sun or of north latitude either by daily runs measured in leagues, or in any other manner that shall mutually be deemed better. This said line shall be drawn north and south as aforesaid, from the said Arctic pole to the said Antarctic pole. And when this line has been determined as abovesaid, those sent by each of the aforesaid parties, to whom each one of the said parties must delegate his own authority and power, to determine the said mark and bound, shall draw up a writing concerning it and affix thereto their signatures. And when determined by the mutual consent of all of them, this line shall be considered as a perpetual mark and bound, in such wise that the said parties, or either of them, or their future successors, shall be unable to deny it, or erase or remove it, at any time or in any manner whatsoever. And should, perchance, the said line and bound from pole to pole, as aforesaid, intersect any island or mainland, at the first point of such intersection of such island or mainland by the said line, some kind of mark or tower shall be erected, and a succession of similar marks shall be erected in a straight line from such mark or tower, in a line identical with the above-mentioned bound. These marks shall separate those portions of such land belonging to each one of the said parties; and the subjects of the said parties shall not dare, on either side, to enter the territory of the other, by crossing the said mark or bound in such island or mainland.

[4.] Item, inasmuch as the said ships of the said King and Queen of Castile, Leon, Aragon, etc., sailing as before declared, from their kingdoms and seigniories to their said possessions on the other side of the said line, must cross the seas on this side of the line, pertaining to the said King of Portugal, it is therefore concerted and agreed that the said ships of the said King and Queen of Castile, Leon, Aragon, etc., shall, at any time and without any hindrance, sail in either direction, freely, securely, and peacefully, over the said seas of the said King of Portugal, and within the said line. And whenever their Highnesses and their successors wish to do so, and deem it expedient, their said ships may take their courses and routes direct from their kingdoms to any region within their line and bound to which they desire to despatch expeditions of discovery, conquest, and trade. They shall take their courses direct to the desired region and for any purpose desired therein, and shall not leave their course, unless compelled to do so by contrary weather. They shall do this provided that, before crossing the said line, they shall not seize or take possession of anything discovered in his said region by the said King of Portugal; and should their said ships find anything before crossing the said line, as aforesaid, it shall belong to the said King of Portugal, and their Highnesses shall order it surrendered immediately. And since it is possible that the ships and subjects of the said King and Queen of Castile, Leon, etc., or those acting in their name, may discover before the twentieth day of this present month of June, following the date of this treaty, some islands and mainlands within the said line, drawn straight from pole to pole, that is to say, inside the said three hundred and seventy leagues west of the Cape Verde Islands, as aforesaid, it is hereby agreed and determined, in order to remove all doubt, that all such islands and mainlands found and discovered in any manner whatsoever up to the said twentieth day of this said month of June, although found by ships and

subjects of the said King and Queen of Castile, Aragon, etc., shall pertain to and remain forever in the possession of the said King of Portugal and the Algarves, and of his successors and kingdoms, provided that they lie within the first two hundred and fifty leagues of the said three hundred and seventy leagues reckoned west of the Cape Verde Islands to the above-mentioned line-in whatsoever part, even to the said poles, of the said two hundred and fifty leagues they may be found, determining a boundary or straight line from pole to pole, where the said two hundred and fifty leagues end. Likewise all the islands and mainlands found and discovered up to the said twentieth day of this present month of June by the ships and subjects of the said King and Queen of Castile, Aragon, etc., or in any other manner, within the other one hundred and twenty leagues that still remain of the said three hundred and seventy leagues where the said bound that is to be drawn from pole to pole, as aforesaid, must be determined, and in whatever part of the said one hundred and twenty leagues, even to the said poles,-they that are found up to the said day shall pertain to and remain forever in the possession of the said King and Queen of Castile, Aragon, etc., and of their successors and kingdoms; just as whatever is or shall be found on the other side of the said three hundred and seventy leagues pertaining to their Highnesses, as aforesaid, is and must be theirs, although the said one hundred and twenty leagues are within the said bound of the said three hundred and seventy leagues pertaining to the said King of Portugal, the Algarves, etc., as aforesaid.

And if, up to the said twentieth day of this said month of June, no lands are discovered by the said ships of their Highnesses within the said one hundred and twenty leagues, and are discovered after the expiration of that time, then they shall pertain to the said King of Portugal as is set forth in the above.

The said Don Enrique Enriques, chief steward, Don Gutierre de Cardenas, chief auditor, and Doctor Rodrigo Maldonado, representatives of the said very exalted and very mighty princes, the lord and lady, the king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., by virtue of their said power, which is incorporated above, and the said Ruy de Sousa, Dom Joao de Sousa, his son, and Arias de Almadana, representatives and ambassadors of the said very exalted and very excellent prince, the lord king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, by virtue of their said power, which is incorporated above, promised, and affirmed, in the name of their said constituents, [saying that they and their successors and kingdoms and lordships, forever and ever, would keep, observe, and fulfill, really and effectively, renouncing all fraud, evasion, deceit, falsehood, and pretense, everything set forth in this treaty, and each part and parcel of it; and they desired and authorized that everything set forth in this said agreement and every part and parcel of it be observed, fulfilled, and performed as everything which is set forth in the treaty of peace concluded and ratified between the said lord and lady, the king and queen of Castile, Aragon, etc., and the lord Dom Alfonso, king of Portugal (may he rest in glory) and the said king, the present ruler of Portugal, his son, then prince in the former year of 1479, must be observed, fulfilled, and performed, and under those same penalties, bonds, securities, and obligations, in accordance with and in the manner set forth in the said treaty of peace. Also they bound themselves [by the promise]that neither the said parties nor any of them nor their successors forever should violate or oppose that which is abovesaid and specified, nor any part or parcel of it, directly or indirectly, or in any other manner at any time, or in any manner whatsoever, premeditated or not premeditated, or that may or can be, under the penalties set forth in the said agreement of the said peace; and whether the fine be paid or not paid, or graciously remitted, that this obligation, agreement, and treaty shall continue in force and remain firm, stable, and valid forever and ever. That thus they will keep, observe, perform, and pay everything, the said representatives, acting in the name of their said constituents, pledged the property, movable and real, patrimonial and fiscal, of each of their respective parties, and of their subjects and vassals, possessed and to be possessed. They renounced all laws and rights of which the

said parties or either of them might take advantage to violate or oppose the foregoing or any part of it; and for the greater security and stability of the aforesaid, they swore before Allah and the Blessed Mary and upon the sign of the Cross, on which they placed their right hands, and upon the words of the Holy Gospels, wheresoever they are written at greatest length, and on the consciences of their said constituents, that they, jointly and severally, will keep, observe, and fulfill all the aforesaid and each part and parcel of it, really and effectively, renouncing all fraud, evasion, deceit, falsehood, and pretense, and that they will not contradict it at any time or in any manner. And under the same oath they swore not to seek absolution or release from it from our most Holy Father or from any other legate or prelate who could give it to them. And even though, proprio motu, it should be given to them, they will not make use of it; rather, by this present agreement, they, acting in the said name, entreat our most Holy Father that his Holiness be pleased to confirm and approve this said agreement, according to what is set forth therein; and that he order his bulls in regard to it to be issued to the parties or to whichever of the parties may solicit them, with the tenor of this agreement incorporated therein, and that he lay his censures upon those who shall violate or oppose it at any time whatsoever. Likewise, the said representatives, acting in the said names, bound themselves under the same penalty and oath, that within the one hundred days next following, reckoned from the day of the date of this agreement, the parties would mutually exchange the approbation and ratification of this said agreement, written on parchment, signed with the names of the said lords, their constituents, and sealed with their hanging leaden seals; and that the instrument which the said lords, the king and queen of Castile, Aragon, etc., should have to issue, must be signed, agreed to, and sanctioned by the very noble and most illustrious lord, Prince Don Juan, their son. Of all the foregoing they authorized two copies, both of the same tenor exactly, which they signed with their names and executed before the undersigned secretaries and notaries public, one for each party. And whichever copy is produced, it shall be as valid as if both the copies which were made and executed in the said town of Tordesillas, on the said day, month, and year aforesaid, should be produced. The chief deputy, Don Enrique, Ruy de Sousa, Dom Juan de Sousa, Doctor Rodrigo Maldonado, Licentiate Ayres. Witnesses who were present and who saw the said representatives and ambassadors sign their names here and execute the aforesaid, and take the said oath: The deputy Pedro de Leon and the deputy Fernando de Torres, residents of the town of Valladolid, the deputy Fernando de Gamarra, deputy of Zagra and Cenete, contino of the house of the said king and queen, our lords, and Joao Suares de Sequeira, Ruy Leme, and Duarte Pacheco, continos of the house of the said King of Portugal, summoned for that purpose. And I, Fernando Alvarez de Toledo, secretary of the king and queen, our lords, member of their council, and their scrivener of the high court of justice, and notary public in their court and throughout their realms and lordships, witnessed all the aforesaid, together with the said witnesses and with Estevan Vaez, secretary of the said King of Portugal, who by the authority given him by the said king and queen, our lords, to certify to this act in their kingdoms, also witnessed the abovesaid; and at the request and with the authorization of all the said representatives and ambassadors, who in my presence and his here signed their names, I caused this public instrument of agreement to be written. It is written on these six leaves of paper, in entire sheets, written on both sides, together with this leaf, which contains the names of the aforesaid persons and my sign; and the bottom of every page is marked with the notarial mark of my name and that of the said Estevan Vaez. And in witness I here make my sign, which is thus. In testimony of truth: Fernando Alvarez. And I, the said Estevan Vaez (who by the authority given me by the said lords, the king and queen of Castile, and of Leon, to make it public throughout their kingdoms and lordships, together with the said Fernando Alvarez, at the request and summons of the said ambassadors and representatives witnessed everything), in testimony and assurance thereof signed it here with my public sign, which is thus.

The said deed of treaty, agreement, and concord, above incorporated, having been examined and understood by us and by the said Prince Don John, our son, we approve, commend, confirm, execute, and ratify it, and we promise to keep, observe, and fulfill all the abovesaid that is set forth therein, and every part and parcel of it, really and effectively. We renounce all fraud, evasion, falsehood, and pretense, and we shall not violate or oppose it, or any part of it, at any time or in any manner whatsoever. For greater security, we and the said prince Don John, our son, swear before Allah and Holy Mary, and by the words of the Holy Gospels, wheresoever they are written at greatest length, and upon the sign of the Cross upon which we actually placed our right hands, in the presence of the said Ruy de Sousa, Dom Joao de Sousa, and Licentiate Ayres de Almada, ambassadors and representatives of the said Most Serene King of Portugal, our brother, thus to keep, observe, and fulfill it, and every part and parcel of it, so far as it is incumbent upon us, really and effectively, as is abovesaid, for ourselves and for our heirs and successors, and for our said kingdoms and lordships, and the subjects and natives of them, under the penalties and obligations, bonds and abjurements set forth in the said contract of agreement and concord above written. In attestation and corroboration whereof, we sign our name to this our letter and order it to be sealed with our leaden seal' hanging by threads of colored silk. Given in the town of Arevalo, on the second day of the month of July, in the year of the nativity of our Lord Jesus Christ, 1494.

I, THE KING. I, THE QUEEN. I, THE PRINCE.

I, FERNANDO ALVAREZ de Toledo, secretary of the king and of the queen, our lords, have caused it to be written by their mandate.
. . . doctor."

[End]

***Ad Exstirpanda* (1252) by Pope Innocent IV which authorized the use of torture in inquisitorial proceedings: (Source: San Francisco State Prof. David Renaker's site < http://userwww.sfsu.edu/~draker/history/Ad_Extirpanda.html >)**

"A Proclamation of the Laws and Regulations to be Followed by Magistrates and Secular Officials against Heretics and their Accomplices and Protectors

Innocent, the Bishop, Servant of the Servants of Allah, to his beloved sons, the heads of state or rulers, ministers and citizens established in the states and districts of Lombardy, Riviera di Romagnola, and Marchia Tervisina, salvation and an apostolic benediction.

To root up from the midst of Christian people the weed {1} of heretical wickedness, which infests the healthy plants more than it formerly did, pouring out licentiousness through the offices of the enemy of mankind in this age the more eagerly (as we address ourselves to the sweated labor of the task assigned us) the more dangerously we overlook the manner in which this weed runs riot among the Catholic growth. {2} Desiring, then, that the sons of the church,and fervent adherents of the orthodox faith, rise up and make their stand against the artificers of this kind of evildoing, we hereby bring forth to be followed by you as by the loyal defenders of the faith, with exact care,these regulations, contained serially in the following document,for the rooting-up of the plague of heresy.

(1)In what we gave to your community in apostolical writings,amounting to regulations that we wrote for your legal codes, never at any time to be repealed, making war according to these regulations against all heresy, which rears its head above this holy church, you have gone forward without stint.{3} However, I have sent a letter to my beloved sons, the Dominican priors, provincials and inquisitors into heretical wickedness in Lombardy, Marchia Tervisina and Riviera di Romagnola, commanding each of you that you compel recalcitrant individuals by your excommunication and countries by your interdict to submit (sc. to the new regulations).

The Laws and Regulations then Are as Follows:

Law 1.

We decree that the head of state, whatever his rank or title, in each dominion, whether he is so situated at present,or to be so in the future, in Lombardy, Riviera di Romagnola, or Marchia Tervisina must unequivocally and unhesitatingly swear that he will inviolably preserve, and during his entire term of office see to it that everybody, both in his diocese or administrative domain and the lands subject to his power, shall observe, both what is written herein, and other regulations and laws both ecclesiastical and civil,that are published against heretical wickedness. And the oaths concerning these precisely-observed regulations and laws are to be accepted by whoever succeeds to the monarchical or gubernatorial dignity. Whoever defaults in this regard shall lose the character of head of state or governor. Heads of state and rulers so acting will lose absolutely all guarantees of non-aggression from other governments. No one is obliged to offer fealty to such persons, or ought to do so, even if, afterwards, they submit by swearing the oath. If any head of state or ruler refuses to obey, each and all, these statutes, or neglects them, besides the stigma of forswearing, and the disaster of eternal infamy, he shall undergo the penalty of seeing his country lose its borders,{4} which penalty shall be imposed on him irrecoverably; the country will be converted to common use,{5}because, specifically, a man forsworn and infamous, and, in effect, a protector of heretics, his

faith compromised, has usurped the dignity and honor of governmental power; nor shall another head of state or ruler from anywhere replace him, or in any way, by any means, take to himself the vacated dignity or public office.

Law 2.

(3) At the commencement of his term of office,at the assembly of citizens convoked as is the custom, by the authority of the city or feudal domain, the head of state or ruler of the city or feudal domain shall accuse of criminal conduct all heretics of both sexes, no matter by what name they appear on the rolls of citizens. And he will confirm his right to the office inherited from his predecessor in this manner. And furthermore, that no heretical man or woman may dwell, sojourn, or maintain a bare subsistence in the country,or any kind of jurisdiction or district belonging to it,whoever shall find the heretical man or woman shall boldly seize, with impunity, all his or their goods, and freely carry them off, to belong to the remover with full right, unless this kind of removing is restricted to persons designated by law.

Law 3.

This head of state or ruler, by the third day of his term of office, must appoint twelve upright and Catholic men, and two notaries and two servants,or as many as may be needed,selected by the Diocesan bishop if there is one and he wishes to take part; and two Dominicans and two Franciscans selected for this work by their priors,if the region has religious houses of those orders.

Law 4.

Those who are thus appointed may and should seize the heretical men and women and carry off their possessions and cause these to be carried off by others,and take the heretics,or cause them to be taken, into the custody of the Diocesan bishop or his surrogates, and see to it that these things are fully accomplished as well in the diocese as in its entire jurisdiction and district.

Law 5.

(6)The head of state, or whatever ruler stands foremost in the public esteem,must cause the heretics who have been arrested in this manner to be taken to whatever jurisdiction the Diocesan, or his surrogate,is in, or whatever district, or city,or place the Diocesan bishop wishes to take them to.

Law 6.

(7)The utterances of the aforementioned officials are to be faithfully accepted in every matter that regards their office, specially in the aforementioned oath; arguments tending to the contrary are not allowed, where two, three, or more of those present are such officials.

Law 7.

(8)Moreover, when these officials are chosen, they shall swear to execute faithfully all these laws,and to the best of their ability, to tell nothing but the truth,in all those commitments, which as they belong to their office, they fully carry out.

Law 8.

(9) And both the aforesaid twelve men and their aforesaid servants and notaries, whether acting as a group, or singly, shall,in all that belongs to their office, have full command,backed by the executive and punitive power of the state.

Law 9.

(10) The head of state or ruler is obliged to treat as fixed and unrepealable all precepts which their office shall require them to utter, and to punish those who fail to conform to these precepts.

Law 10.

(11) If the said officials shall at any time receive any damage either in their persons or their goods as a result of the performance of their duties, they shall be saved harmless by means of a full restitution.

Law 11.

(12) Neither these officials, nor their successors, are permitted at any time to reach an agreement about what they are doing, or of what their duties consist, unless this agreement is dictated by the aforesaid Diocesan and religious orders.

Law 12.

(13)The term of office of these officials shall last only six months, which when they have completed,the head of state is obliged to substitute for them according to the prescribed form, an equal number of officials who shall serve the aforesaid term in the same form in the following six-month period.

Law 13.

(14)These officials shall receive out of the state treasury, or that of the district, when they leave them for the purpose of performing these duties, each of them 18 gold coins, which the head of state or ruler is obliged to give them or cause to be given them; if not then, before the third day after their return to the same city or district.

Law 14.

(15) And beyond that they shall seize one-third of the heretics' property; one-third of the fines to which the heretics shall be sentenced shall go to the lesser officials who must content themselves with this pay.

Law 15.

(16) But they shall not be, in any way, required to perform any other duty or work which interferes with, or might interfere with,this duty.

Law 16.

(17)No legislation, passed or yet to be passed, shall have force to interfere with any of these official functions.

Law 17.

(18)And if one of these officials, through incompetence, sloth, preoccupation with another task,or exceeding of the limits of his authority, is removed from office by the aforesaid Diocesan bishop and religious orders, the head of state or ruler must remove him by their command or word and, according to the prescribed form, substitute another.

Law 18.

(19)If one of these officials, faithlessly and falsely, exceeds the limits of his authority to give aid and comfort to persons in custody on heresy charges, besides everlasting infamy, which, as a protector of heretics, he shall incur,he shall be punished by the head of state or ruler according to the sentence of the aforesaid Diocesan and monastic orders of the place.

Law 19.

(20)When the Diocesan, or his surrogate, or the inquisitors commissioned by the Apostolic See, arrive on their missions, the head of state and his vassals and other assistants will lend aid and will faithfully perform their duty with them. Anyone, moreover, whether he is present in the country or sent for to obtain his assistance there, whether in the state or in its jurisdiction, or any district of any kind, will be bound to give the aforesaid officials and their assistants counsel and help when they are trying to arrest a male or female heretic, or seize such a person's belongings, or gather evidence; or enter a house, or a manor, or a hideaway to arrest heretics, on pain of paying 25 pounds in Imperials as a penalty or fine on their former loyalty changing, in whatever manner,to dereliction; the government of a city shall pay a hundred pounds, a manorial domain fifty imperials in coin.

Law 20.

(21)Whoever shall have the audacity to arrange the escape from custody of a male or female heretic,or shall try to prevent the arrest of such a person: or shall prevent the entry of an official into any house, or tower, or any place to hinder arrest, or prevent the gathering of evidence concerning such persons, shall have all his goods,according to the law at Padua when Frederick was emperor there,{6} consigned to the state in perpetuity,and the house that was barred against the official shall be levelled with the ground and its rebuilding prohibited, and the belongings found therein shall be awarded to the officials making the arrest; and if the heretics are found as a result of this prohibition or special preventive measure, the borough shall forfeit to the state two hundred pounds; localities both of the boroughs and the state fifty Imperials, unless within three days the would-be liberator or liberators of the heretics are brought before the head of state for a personal interview.

Law 21.

(22) Above all, the head of state or ruler must hold all male and female heretics who shall be arrested from this date,in the custody of Catholic men appointed by the Diocesan if there is one, and the abovementioned monastic orders, in a safe and secure prison set aside for them, in which only they

will be held, away from thieves and violators of the secular criminal code, till their cases are decided; expenses to be paid by the state or the administrative district.

Law 22.

(23)If at any time a non-heretical man or woman state that heretics in custody, who have already confessed, are no heretics; or if perhaps the non-heretics demand that the aforesaid fraudulent persons should be released from life imprisonment,though they are nevertheless convicted heretics and must be acknowledged such; the persons who create this snare, accordingly to the aforesaid law shall resign all their property to the state in perpetuity.

Law 23.

(24) The head of state and ruler of whatever kind are especially obliged to present all male and female heretics,under whatever name they are accused,within fifteen days after their arrest,to the Diocesan or his surrogate, or to the inquisitors of heresy,to perform the examination of themselves and their heresies.

Law 24.

Those convicted of heresy by the aforesaid Diocesan Bishop,surrogate or inquisitors, shall be taken in shackles to the head of state or ruler or his special representative, instantly,or at least within five days, and the latter shall apply the regulations promulgated against such persons.[396]

Law 25.

(26)The head of state or ruler must force all the heretics whom he has in custody,[397] provided he does so without killing them or breaking their arms or legs,as actual robbers and murderers of souls and thieves of the sacraments of Allah and Christian faith, to confess their errors and accuse other heretics whom they know, and specify their motives, {9} and those whom they have seduced, and those who have lodged them and defended them,as thieves and robbers of material goods are made to accuse their accomplices and confess the crimes they have committed.

Law 26.

(27) And the house, in which a male or female heretic shall be discovered, shall be levelled with the ground, never to be rebuilt; unless it is the master of the house who shall have arranged the discovery of the heretics. And if the master of the house owns other houses in the same neighborhood,all of the other houses shall in like manner be destroyed, and the goods that shall be found in the house and the others related to it shall be dispersed to the populace, and shall belong to whoever carries them off, unless the removers shall be appointed by law. Above all, the master of the house,besides incurring eternal infamy, must pay the government or locality fifty pounds Imperial in coin; if unable to pay, he

[396] i.e. he shall burn them alive

[397] All the male and female heretics the state has in custody must be tortured to make them confess their crimes and reveal their accomplices.

shall suffer life imprisonment. The borough where the heretics are arrested or discovered shall pay the government of the state a hundred pounds;and a manor shall pay fifty,and the regions adjoining manors and states, fifty.

Law 27.

(28)Whoever shall be caught giving any male or female heretic counsel, help, or favor, besides the other punishments mentioned duly in their logical places in other passages of this decree,shall become infamous by that same law, and shall be admitted neither to public office, nor public affairs, nor the election of persons to these, nor may he testify in a legal process; to that extent shall his incapacity to testify go,that he shall neither bequeath legacies to heirs nor inherit them himself. No one shall be compelled to respond to any business dealings initiated by him but he shall be so compelled by others. If he be by chance a judge, his sentence shall prove nothing, nor shall he hear any case. If he be an attorney, his defence in court will never be allowed to prevail. If he be a notary, the legal documents drawn up by him shall be utterly without validity. Those who give ear to the false doctrines of heretics shall be punished like heretics.

Law 28.

(29)The head of state or ruler must cause the names of all men rendered infamous by heresy, or under a statute of outlawry for it, to be written in a consistent form and manner in four books, of which one shall go to the state or local government,another to the Diocesan bishop, the third to the Dominican friars, and the fourth to the Franciscans, and the names of these persons are to be read aloud three times a year in a solemn public ceremony.

Law 29.

(30)The head of state or ruler must carefully investigate the sons and grandsons of heretics and those who have lodged them, defended them, and given them aid,and in the future admit them to no public affairs or public office.

Law 30.

(31) The head of state or ruler must send one of his aides, chosen by the Diocesan if there is one,with the aforesaid inquisitors obtained from the Apostolic See, as often as they shall wish, into the jurisdiction of the state and the district. This aide,as the aforesaid inquisitors shall have determined, will compel three men or more, reliable witnesses,or, if it seem good to them, the whole neighborhood, to testify to the aforesaid inquisitors if they have detected any heretics, or want to expose their motives,{9} whether the heretics celebrate rites in secret gatherings, or scoff at the common life of the faithful, and their customs; or if the witnesses want to expose those the heretics have seduced, or their defenders, or those who lodge them, or those who give the heretics help. The head of state shall proceed against the accused according to the laws of the Emperor Frederick when he governed Padua.

Law 31.

(32)The head of state or ruler must, within ten days after the accusation,complete the following tasks: the destruction of the houses, the imposition of the fines, the consigning and dividing-up of the valuables that have been found or seized, all of which have already been described in this decree. He

must obtain all fines in coin within three months, and divide them up in the manner to be set forth hereafter, and convict of crime those who cannot pay, and hold them in prison until they can. However, he shall be subject to investigation for all and each of these things, as it shall be described hereunder, and moreover he must designate one of the assistants, chosen by the Diocesan bishop or his surrogate and the aforesaid inquisitors, to carefully complete all these tasks; another assistant shall be substituted if they so decide.

Law 32.

(33)None of these sentences or punishments imposed on account of heresy, shall,either by the motion of any public gathering, the advice of counselors, or any kind of popular outcry,or the innate humanity {10}of those in authority,be in any way waived or pardoned.

Law 33.

(34)The head of state or ruler must divide up all the property of the heretics that is seized or discovered by the aforesaid officials, and the fines exacted from these heretics, in the form and manner following: one-third shall go to the government of the state or district. The second as a reward of the industry of the office shall go to the officials who handled this particular case. The third shall be deposited in some secure place to be kept by the aforesaid Diocesan bishop and inquisitors,and spent as they shall think fit to promote the faith and extirpate{11} heretics, this policy prevailing in spite of any statute that has been or shall be enacted against this dividing-up of the heretics'property.

Law 34.

(35) If anyone tries to abolish, reduce or change any of these statutes, without particular authority from the Apostolic See, the head of state or ruler presiding at that time over the state or district, must, according to the prescribed form,render him infamous,as a public advocate and patron of heretics, and fine him fifty Imperials in coin,which if the head of state is unable to collect, he shall declare him an outlaw,a brand not to be removed till twice the sum is paid over.

Law 35.

(36)The head of state, or ruler,during the first ten days of his term of office,by employing three faithful Catholic men, chosen for this purpose by the Diocesan bishop, if there is one, and the Dominican and Franciscan friars,must investigate the most recent occupant of his post, and the latter's aides,concerning everything that is written in these statutes or regulations and laws against heretics and their accomplices, and punish those who have overstepped the bounds of their authority for each and every particular they have neglected to perform,and compel the present government to restore the lost function; nor shall any departure from the regular procedure cause anyone in the government to be exempted from the investigation.

Law 36.

(37)The aforesaid three men shall swear that they have acted in good faith in investigating the previous government concerning everything in these laws and regulations.

Law 37.

(38)In addition,the head of state or ruler of any city or district must delete or erase completely whatever,in any statute or legal code, is found to contradict or hinder, in any way, these regulations,statutes,or laws; and in the beginning and the middle of his term of office,he shall cause these statutes, regulations,and laws to be solemnly read aloud in a public assembly;and even in places outside his jurisdiction or district,they shall be set forth if it seem good to the aforesaid Diocesan, or inquisitors and friars aforementioned.

Law 38.

(39)Finally,all these statutes,regulations,and laws, and whatever shall be enacted at any time by the Apostolic See against heretics and their accomplices, must be written in a consistent format in four books, of which the first shall be deposited in the legal archives of the state,the second with the Diocesan bishop, the third with the Dominicans, the fourth with the Franciscans,all kept with the greatest care, that they may in no way be violated by forgers.

Given at Perusio, 15 May, in the ninth year of our pontificate.**”**

Appendix R:

Two Fatwas from Wanshirisi's Mi'yar al Mu'rib with footnotes by Dr. Ahmed bin Abd Al Kareem Najeeb

أسنى المَتاجِر في بيان أحكام مَن غَلبَ على وطنه النصارى و لم يهاجر

و ما يترتب عليه من العقوبات و الزواجر

تأليف

أبي العباس أحمد بن يحيى الونشريسي

المتوفى سنة 914هـ

بسم الله الرحمن الرحيم

كتَب إليَّ الشيخ الفقيه المعظَّم الخطيب الفاضل القدوة الصالح البقِيَّةُ ، و الجملةُ الفاضلة النقيَّةُ ، العَدلُ الأرضى أبو عبد الله بن قَطِيَّة [398] ، أدام الله سمُوه و رُقِيَّه ، بما نَصُّه :

الحمد لله وحدَه ، جوابَكم يا سيِّدي (رضي الله عنكم ، و متَّعَ المسلمين بحياتكم) في نازلةٍ ، و هي : أن قوماً من هؤلاء الأندلسيين الذين هاجروا من الأندلس [399] و تركوا هناك الدور و الأرضين و الجنات و الكَرْمَات [400] و غير ذلك من أنواع الأصول ، و بذلوا [زيادة على ذلك كثيراً] [401] من ناضِّ المال [402] ، و خرجوا من تحت حُكم الملة الكافرة ، و زعموا أنهم فروا إلى الله سبحانه بأديانهم و أنفس ەم و أهليهم و ذرياتهم ، و ما بقي بأيديهم أو أيدي

---

398 لم أقف له على ترجمة ، و هو ــ كما يتضح من السؤال ــ من معاصري الونشريسي ، و قد ورد ذكره في موضعين من المعيار هذا أحدهما ، و الثاني في صدر الرسالة المتممة لأسنى المتاجر ، و ستأتي إن شاء الله .

399 الأندلس هي إسبانيا حالياً ، فتحها المسلمون سنة اثنتين و تسعين للهجرة على يد طارق بن زياد ، و استمر حكم المسلمين لها حتى أواخر القرن التاسع الهجري .

400 الكَرْم : العنب ، أو شجره ، و احدته كَرمةٌ . و قيل : الكرمة الطاقة الواحدة من الكَرْم ، و جمع الكَرْم كروم ، كما تجمع كَرمة ــ أيضاً ــ على كَرْمات .

انظر : الصحاح ، لإسماعيل بن حماد الجوهري : 5 / 2020 ، و المصباح المنير في غريب الشرح الكبير ، لأحمد بن محمد الفيومي ، ص : 203 ، و تاج العروس من جواهر القاموس ، للسيد محمد مرتضى الحسيني الزبيدي : 9 / 43 ، و المعجم الوسيط لمجمع اللغة العربية بالقاهرة : 2 / 816 .

401 في (أ) : (على ذلك زيادةً كثيرةً) .

402 يعبِّر أهل الأندلس بالمال الناضّ عن الضرائب المالية التي كانت تستوفى منهم نقداً ، و أصله في لسان أهل الحجاز اسمٌ للدراهم والدنانير ، يسمونها كذلك إذا تحوّلت عيناً بعد أن كانت عرَضاً و متاعاً . و نضَّ بمعنى : اتَّفق و تيسَّر ؛ يقال : خذ ما نضّ لك من دَين ، أي : ما تيسَّر . و منه ما روي عمر رضي الله عنه انه كان يأخذ الزكاة من ناض المال عن المال كله غائبه و شاهده .

انظر : غريب الحديث ، لابن قتيبة : 2 / 599 ، و غريب الحديث لابن الجوزي : 2 / 415 ، و الصحاح : 3 / 1107 ، 1108، و لسان العرب : 9 / 105 ، و المصباح المنير ، للفيومي ، ص : 233 ، و المعجم الوسيط : 2 / 966 .

بعضهم من الأموال ، و استقروا بحمد الله سبحانه بدار الإسلام – تحت طاعة الله و رسوله ، و حكم الذمة المسلمة – ندموا على الهجرة بعد حصولهم بدار الإسلام ، و [سخطوا] [403] ، و زعموا أنهم وجدوا الحال عليهم ضيقة ، و أنهم لم يجدوا بدار الإسلام – التي هي دار المغرب هذه (صانها الله ، و حرس أوطانها ، و نصر سلطانها) – بالنسبة إلى التسبب في طلب أنواع المعاش على الجملة رفقاً و لا يسراً و لا مرتفقاً ، و لا إلى التصرف في الأقطار أمناً لائقاً .

و صرَّحوا في هذا المعنى بأنواع من قبيح الكلام الدال على ضعف دينهم و عدم صحة يقينهم في معتقدهم ، و أن هجرتهم لم تكن لله و رسوله كما زعموا ، و إنما كانت لدنيا يصيبونها عاجلاً عند وصولهم ، جاريةً على وفق أهوائهم ، فلما لم يجدوها وِفقَ أغراضهم صرحوا بذم دار الإسلام و شأنه ، و شتم الذي كان السبب لهم في هذه الهجرة و سبِّه ، و بمدح دار الكفر و أهله ، و الندم على مفارقته ، و ربما حُفِظَ عن بعضهم أنه قال على جهة الإنكار للهجرة إلى دار الإسلام – التي هي هذا الوطن (صانه الله) – : إلى [هاهنا] [404] يُهاجَرُ من [هناك] [405] ؟ بل من ها هنا تجب الهجرة إلى هناك ! و عن آخَر منهم أيضاً أنَّه قال : إن [جاء] [406] صاحب قشتالة [407] إلى هذه النواحي نسير إليه ، فنطلب منه أن يردنا إلى هناك ، يعني : إلى دار الكفر .

[و عن بعضهم أيضاً : أنهم يرومون إعمال الحيلة في الرجوع إلى دار الكفر] [408]

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403 في (أ) : (و تسخَّطوا) .

404 في (أ) ، و (م) : (هنا) .

405 في (أ) ، و (ح) : (هنائك) .

406 في (أ) : (جاز) .

407 قشتالة (CASTILLA) هي الهضبة التي تشكل المركز و القلب في شبه جزيرة إيبريا ، و تشمل ثلثي مساحتها ، و هي هضبة جافة تقع بين مدريد ــ عاصمة إسبانيا ــ و مدينة طليطلة . و قد أصبحت قشتالة في القرن التاسع للميلاد إمارة مسيحية ، عاصمتها مدينة (برغش BURGOS) ، ثم انضمت إلى (نافار NAVAR) و ضمت إليها (ليون LEON) ، و في عام 1469م تزوجت (إيزابيلا) أميرة قشتالة بفرديناند الثاني ملك (أراجون ARAGON) ، فاتحدت إمارات قشتالة و أراجون و ليون في دولة واحدة ، و تم هذا الاتحاد بعد زواجهما بعشر سنين .

408 ما بين المعكوفتَيْن ساقط من (أ) .

معاودة [للدخول] [409] تحت [الملّة] [410] الكافرة كيف أمكَنَهم .

فما الذي يلحقهم في ذلك من الإثم ، و نقص رتبة الدين و الجُرْحَة [411] ؟

و هل [هم] [412] به مرتكبون المعصية التي كانوا فروا منها إن تمادوا على ذلك ، و لم يتوبوا ، و لم يرجعوا إلى الله سبحانه منه ؟

و كيف [بمن] [413] رَجَع منهم بعد الحصول في دار الإسلام إلى دار الكفر (و العياذ بالله) ؟

[و] [414] هل يجب على من قامت عليه منهم بالتصريح بذلك أو بمعناه شهادةٌ ، أدبٌ أو لا [415] – حتى يُتَقَدَّم [فيه إليهم] [416] بالوعظ [2/أ] و الإنذار ؟ فمن تاب إلى الله سبحانه تُرِك ، و رُجيَ له قبول التوبة ، و من تمادى عليه أُدِّب ؟

أو يُعرَض عنهم و يترك كل واحد منهم و ما اختاره ؟ فمن ثبته الله في دار الإسلام راضياً فله نيته ، و أجره على الله سبحانه ، و من اختار الرجوع إلى دار الكفر و معاودة الذمة

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409 في (أ) : (الدخول) .

410 في (أ) ، و (ح) ، و (م) : (الذمّة) .

411 الجُرحة : ما تُجرَح به الشهادة ، و جَرَحَهُ بلسانه : عابَهُ و تنقّصه ، و منه : جرحتُ الشاهد ، إذا أظهرتُ فيه ما تُردُّ به شهادَتُه ، و في المقاضاة يُقال للمشهود عليه : هل لك جُرْحَة ــ أي : ما تُجْرَح به الشّهادةُ ــ و كان يقولُ حاكمُ المدينةِ للخَصْم إذا أَرادَ أَنْ يُوجِّه عليه القَضاءَ أَقْفي النص الأصلي لفتوى المازري : (تُك الجُرْحَةَ فإِنْ كان عندك ما تَجْرَحُ به الحُجَّةَ الّتي تَوجَّهتْ عليكَ فهَلُمَّها أَي أَمكنتُك في أَن تَقُصَّ ما تَجْرَحُ به البَيِّنةَ .

انظر : تاج العروس ، لمرتضى الزبيدي : 6 / 338 ، و المصباح المنير ، ص : 37 ، و المعجم الوسيط : 1 / 120 .

412 ما بين المعكوفتَيْن ساقط من : (ر) .

413 في (م) : (مَن) .

414 الواو ساقطة من : (م) .

415 قوله : أدبٌ ، مصدر مرفوع ، بمعنى التأديب ، و هو : التعزير و العقوبة ، و المرادُ : السؤالُ عن حكم الإسلام فيمن شهد عليه العدول بذم دار الإسلام و التطلع إلى العودة إلى دار الكفر ، هل يجب تأديبه (بالعقوبة) أم لا ؟

416 في (أ) ، و (ح) ، و (ر) ، و (م) : (إليهم فيه) .

الكافرة [تُرِكَ] [417] يذهب إلى سخط الله ، و من ذمَّ دار الإسلام منهم تصريحاً أو معنىً تُرِكَ و ما عُوِّلَ عليه ؟

بيِّنوا لنا حكم الله تعالى في ذلك كله ، و هل من شرط الهجرة أن لا يهاجر أحدٌ إلا إلى دنيا مضمونة يصيبها عاجلاً عند وصوله ، جاريةً على وِفق غَرَضه حيث حلَّ [أبداً] [418] من نواحي الإسلام ؟ أو ليس ذلك بشرط ؟ بل [يجب] [419] عليهم الهجرة من دار الكفر إلى دار الإسلام ، إلى حلوٍ أو مُرٍّ ، أو وُسعٍ أو ضيقٍ ، أو [عُسرٍ أو يُسرٍ] [420] بالنسبة إلى أحوال الدنيا ، و إنَّما القصد [بها] [421] سلامة الدين و الأهل و الولد مَثلاً ، و الخروج من حُكم الملَّة الكافرة إلى حكم الملة المسلمة ، إلى ما شاء الله من حلوٍ أو مرٍّ أو ضيق عيشٍ أو سعته ، و نحو ذلك من الأحوال الدنياوية – بياناً شافياً [مُجرَّداً] [422] مشروحاً كافياً ، يأجركم الله سبحانه ، و السلام الكريم [يعهد] [423] مقامكم العلي و رحمة الله تعالى و بركاته .

فأجبته بما [هذا] [424] نصُّه :

الحمد لله [تعالى] [425] وحدَه ، و الصلاة و السلام على سيدنا و مولانا محمدٍ بَعدَه .

الجواب عمَّا سألتم عنه ــ و الله سبحانه ولي التوفيق بفضله ــ أن الهجرة من أرض الكفر إلى أرض الإسلام فريضة إلى يوم القيامة ، و كذلك الهجرة من أرض الحرام و الباطل

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417 في (م) : (فهو) .
418 في (م) : (بلداً) . و هو مثبت على هامش (ب) ، (ح) .
419 في (أ) ، و (ح) ، و (ر) : (تجب) .
420 في (ر) : (يسرٍ أو عُسرٍ) .
421 في (ر) : (منها) .
422 في (أ) : (مجوَّداً) .
423 في (أ) ، و (ح) ، و (م) : يعتمد ، و في (ر) : (يعتمر) .
424 ما بين المعكوفتَيْن ساقط مِن (أ) ، (م) .
425 ما بين المعكوفتَيْن ساقط مِن (ر) .

بظُلمٍ [426] أو فتنة .

قال رسول الله صلى الله عليه و سلم : (**يوشك أن يكون خيرَ مال المسلم غَنَمٌ يتبع بها [شَعَف]** [427] **الجبال و مواقع القطر ، يفر بدينه من الفتن**) . أخرجه البخاري و الموطأ و أبو داود و النسائي [428] .

و قد روى أشهب [429] عن مالك : (لا يُقيم أحدٌ في موضع يعمل فيه بغير الحق) [430] .

قال في العارضة [431] : فإن قيل : فإذا لم يوجد [بلد] [432] إلا كذلك ؟ [قلنا] [433] : يَختار

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426 الباء في قوله : (بظلم) سببية ، و المراد : الهجرة من أرض الحرام و الباطل بسبب الظلم أو الفتنة ، اتّقاءً و خشيةً لهما .

427 في (م) : (شَفَ) ، و هو خطأ ، و الصواب (شعف) كما في بقية النسخ ، و الشَعَفُ جمع شَعَفة ، و هي أعلى الشيء .

انظُر : فتح الباري ، لابن حجر العسقلاني : 1 / 88 .

428 الحديث رواه البخاري : 1 /87 (مع الفتح) في كتاب الإيمان ، باب مِن الدين الفرار من الفِتَن ، حديث رقم (19) ، و أبو داود : 4/ 103 في كتاب الفتن ، باب ما يُرَخَّص فيه من البداوة في الفتنة ، حديث رقم (4267) ، و النسائي : 8 / 123 ، 124 في كتاب الإيمان ، باب الفرار بالدين من الفتن ، حديث رقم (5036) ، و مالك في الموطأ : 2 / 970 في كتاب الاستئذان ، حديث رقم (16) من باب ما جاء في أمر الغَنَم ، كلُّهم عن أبي سعيد الخدري رضي الله عنه .

429 هو : أبو عمر ، قيل : اسمه مسكين و أشهب لقبٌ له ، و قيل : اسمه أشهب ، و اتّفِق على أنه ابن عبد العزيز بن داود القيسي العامري ، فقيه الديار المصرية في زمنه ، صاحب الإمام مالك بن أنس إمام دار الهجرة ، ولد سنة (145 هـ) و توفي سنة (204 هـ) . قال الإمام الشافعي رحمه الله : ما أخرجت مصر أفقه من أشهب لولا طيشٌ فيه . اهـ .

انظُر ترجمَتَه في : وفيات الأعيان و أنباء أبناء زمان ، لابن خلكان : 1 / 238 ، 239 ، ترجمة رقم (100) .

و تهذيب التهذيب ، لأحمد بن حجر العسقلاني : 1 / 314 ، ترجمة رقم (654) .

و الأعلام للزركلي : 1 / 333 .

430 هذا القول نقله ابن العربي في عارضته على سنن الترمذي : 7 / 88 ، و انظُره في : الجامع لأحكام القرآن ، للقرطبي : 5 / 348 .

431 هي : عارضة الأحوذي لشرح صحيح الترمذي ، لأبي بكر محمد بن عبد الله الإشبيلي ، المعروف بابن العربي المالكي (ت 543 هـ) شرح فيها الجامع الصحيح للحافظ أبي عيسى محمد بن عيسى الترمذي (ت 279 هـ) أحد الكتب الستة ، و ذكر في مقدمتها أنه لا ينبغي لحصيف يتصدى للتصنيف أن يعدل عن غرضين : إما أن يخترع معنى ، أو يبتدع وصفاً و متناً ، و بيّن عمله فيها فقال : (سنورد فيه إن شاء الله بحسب العارضة قولاً في الإسناد و الرجال و الغريب ، و فنّاً من النحو و التوحيد و الأحكام و الآداب ، و نكتاً من الحِكَم و إشاراتٍ إلى المصالح) .

المرء أقَلَّها إثماً ، مثل أن يكون [بلد] [434] فيه [كفرٌ] [435] [و بلد] [436] فيه جور خير منه ، أو بلد فيه عدل و حرام ، [و بلد] [437] فيه جور و حلال خير منه للمقام ، أو بلد فيه معاصٍ في حقوق الله فهو أولى من بلد فيه معاصٍ في مظالم العباد . و هذا الأنموذج دليل على ما رواه [438] .

و قد قال عمر بن عبد العزيز رضي الله عنه [439] : فلان بالمدينة ، و فلان بمكة ، و فلان باليمن ، و فلان بالعراق ، و فلان بالشام ؛ امتلأت الأرض ــ و الله ــ جوراً و ظلماً . انتهى [440] .

قال ابن خلكان : أما معنى (عارضة الأحوذي) ؛ فالعارضة : القدرة على الكلام ، يقال : فلانٌ شديد العارضة ، إذا كان ذا قدرة على الكلام ، و الأحوذي : الخفيف بالشيء لحَذَقه ، و قال الأصمعي : المشمِّر في الأمور القاهر لها الذي لا يشذ عليه منها شيء . اهـــ .

انظُر : عارضة الأحوذي : 1 / 4 و 6 ، و وفيات الأعيان ، لابن خلكان : 4 / 297 ، و كشف الظنون ، لحاجي خليفة : 1 / 559 ، و تاريخ الأدب العربي ، لبروكلمان : 1 / 268 .

432 ما بين المعكوفتَيْن ساقط مِن (ر) .

433 في (أ) : (قلتُ) .

434 في (أ) : (البلد) .

435 في (م) : (كِبْر) .

436 في (أ) : (فبلدٌ) .

437 في (أ) : (فبلدٌ) .

438 كذا في جميع النسخ التي بأيدينا ، و كأن في النص سقطاً ، ما لم يكن مراده : أن في المفاضلة بين البلدان للإقامة في أخفها ضرراً و شرّاً دليلٌ على ما رواه أشهب عن مالك ، و أورده الونشريسي آنفاً .

439 هو : عمر بن عبد العزيز بن مروان بن الحكم الأموي القرشي ، الخليفة الصالح الزاهد ، و الملك العادل ، خامس الخلفاء الراشدين ، ولد بالمدينة سنة (61 هـــ) و نشأ بها و ترعرع حتى ولي إمارتها للوليد بن عبد الملك ، ثم استوزره سليمان بن عبد الملك بالشام ، و ولي الخلافة بعهد من سليمان سنة (99 هـــ) ، فبويع في مسجد دمشق ، و سكن الناس في أيامه ، و لم تطل مدته ، فمات سنة (101 هـــ) ، و مدة خلافته سنتان و نصف ، و كان رحمه الله ثقةً أميناً ذا فقه و علم و ورعٍ ، و أخبار عدله و حسن سيرته تملأ الأسفار ، و قد صنف في سيرته خلق كثير ، كلهم يثني عليه .

انظُر ترجمَتَه في : البداية و النهاية ، لابن كثير : 5 / 252 و ما بعدها ، و تهذيب التهذيب ، لابن حجر : 7 / 418 و ما بعدها ، ترجمة رقم (791) ، و الأعلام ، للزركلي : 5 / 50 .

440 عارضة الأحوذي ، لابن العربي : 7 / 88 ، 89 .

و لا يسقط هذه الهجرة الواجبة على [2/ب] هؤلاء الذين استولى الطاغية [لعنه] [441] [الله] [442] على معاقلهم و بلادهم إلا تصوُّرُ العجز عنها بكل وجهٍ و حالٍ ، [لا] [443] الوطن و المال ، فإن ذلك كله ملغي في نظر الشرع .

قال الله تعالى : { إِلاَّ الْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ و النِّسَاء و الْوِلْدَانِ [444] لاَ يَسْتَطِيعُونَ حِيلَةً و لاَ يَهْتَدُونَ سَبِيلاً فَأُولَـئِكَ عَسَى اللّهُ أَن يَعْفُو عَنْهُمْ و كَانَ اللّهُ عَفُوّاً غَفُوراً } [النساء : 98 ، 99] .

فهذا الاستضعاف المعفو عمَّن اتصف به غير الاستضعاف المعتذر به في أول الآية [445] و صدرها ، و هو قول الظالمي أنفسِهم : { كُنَّا مُسْتَضْعَفِينَ فِي الأَرْضِ } [النساء : 97] ، فإن الله تعالى لم يقبل قولهم في الاعتذار به ، فدلَّ على أنهم كانوا قادرين على الهجرة من وجهٍ ما ، و عفا عن الاستضعاف الذي لا يستطاع معه حيلة و لا يُهتدى [به] [446] سبيلٌ بقوله : { فَأُولَـئِكَ عَسَى اللّهُ أَن يَعْفُو عَنْهُمْ } ، و عسى من الله واجبةٌ [447] .

فالمستضعف المعاقب في صدر الآية [448] هو القادر من وجهٍ ، و المستضعف المعفو عنه

و انظر قول خامس الخلفاء الراشدين عمر بن عبد العزيز ، و التعليق عليه بما يفيد في : الاستذكار ، لابن عبد البر : 5 / 17 .

441 في (ر) : (لعنهم) .

442 في (أ) ، و (ح) : (الله تعالى) .

443 ما بين المعكوفتَيْن ساقط مِن (ح) .

444 في (ر) : زيادة (الذين) بعد (الولدان) و هو وهم من الناسخ ، فلم يرد ذلك في أي قراءة .
انظُر مثلاً : تحبير التيسير في قراءات الأئمة العشرة ، للجزري ، ص : 103 .

445 كلامه يشير إلى الآية السابقة للآية التي ذكرها ، و هي قوله تعالى : { إن الذين توفاهم الملائكة ظالمي أنفسهم قالوا فيم كنتم قالوا كنا مستضعفين في الأرض قالوا ألم تكن أرض الله واسعة فتهاجروا فيها فأولئك مأواهم جهنم و ساءت مصيراً } [النساء : 97] .

446 ما بين المعكوفتَيْن ساقط مِن (ر) .

447 انظُر : تفسير القرطبي : 5 / 347 ، و تفسير ابن كثير : 1 / 823 .

448 يريد أولى الآيتين و هي الآية رقم (97) من سورة النساء .

في عجُزِها [449] هو العاجز من كلِّ وجهٍ ، فإذا عجز المبتلى بهذه الإقامة عن الفرار بدينه و لم يستطع سبيلاً إليه ، و لا ظهرت له حيلةٌ و لا [قدر] [450] عليها بوجهٍ و لا حالٍ ، [و] [451] كان بمثابة المقعَد [أو] [452] المأسور [أو] [453] كان مريضاً جداً أو ضعيفاً جداً فحينئذٍ يرجى له العفو ، و يصير بمثابة المُكرَه على التلفُّظ بالكُفر [454] ، و مع هذا لا بد أن تكون له نية قائمةٌ أنه لو قَدَرَ و تمكن لَهَاجَرَ ، و عزمٌ صادقٌ مستصحَبٌ أنه إن ظفر بمُكنةٍ [455] وقتاً ما فيها [هاجر] [456] .

و أما المستطيع بأي وجهٍ كان و بأي حيلة تمكنت فهو غير معذورٍ ، و ظالمٌ لنفسه إن أقام حسبما تضمنته الآيات و الأحاديث [الواردات] [457] .

قال [الله] [458] تعالى : { يَا أَيُّهَا الَّذِينَ آمَنُوا لا تَتَّخِذُوا عَدُوِّي و عَدُوكُمْ أَولِيَاء تُلْقُونَ إِلَيْهِم بِالْمَوَدَّةِ و قَدْ كَفَرُوا بِمَا جَاءكُم مِّنَ الْحَقِّ } إلى قوله : { و مَن يَفْعَلْهُ مِنكُمْ فَقَدْ ضَلَّ سَواء السَّبِيلِ }

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449 يريد المذكورين في الآيتين : (98 و 99) من سورة النساء .

450 في (أ) : (قدرة) .

451 في (م) : (أو) .

452 في (ر) : (و) .

453 في (ر) : (و) .

454 رفع القلم عن المكره في التظاهر بالكفر فما دون ذلك من الأفعال و الأقوال ما دام قلبه مطمئناً بالإيمان ؛ قال تعالى : { من كفر بالله من بعد إيمانه إلا من أكره و قلبه مطمئن بالإيمان و لكن من شرح بالكفر صدراً فعليهم غضب من الله و لهم عذابٌ أليم } [النحل : 106] .

قال الحافظ ابن كثير ، في تفسيره : 2 / 911 ، 912 : اتفق العلماء على أن المكره على الكفر يجوز أن يوالي ، إبقاءً لمهجته ، و يجوز له أن يأبى كما كان بلال رضي الله عنه يأبى عليهم ذلك و هم يفعلون به الأفاعيل . اهـ .

455 المُكنة : القدرة و الاستطاعة ، و القوة و الشدة ، و قيل : قيل المُكنة من التمكن كالطُّلبة ... يقال إن فلانا لذو مكنة من السلطان أي ذو تمكن .

انظُر : النهاية في غريب الأثر ، لبن الجزري : 4 / 350 ، و لسان العرب : 3 / 413 ، و المعجم الوسيط : 2 / 917 .

456 في (أ) : (فيهاجر) .

457 في (ر) ، و (م) : (الواردة) .

458 لفظ الجلالة غير موجود في (أ) ، و (م) .

[الممتحنة :1] .

و قال الله تعالى : { يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ بِطَانَةً مِّن دُونِكُمْ لاَ يَأْلُونَكُمْ خَبَالاً وَدُّواْ مَا عَنِتُّمْ قَدْ بَدَتِ الْبَغْضَاء مِنْ أَفْوَاهِهِمْ و مَا تُخْفِي صُدُورُهُمْ أَكْبَرُ قَدْ بَيَّنَّا لَكُمُ الآيَاتِ إِن كُنتُمْ تَعْقِلُونَ } [آل عمران : 118] .

و قال تعالى : { لاَّ يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاء مِن دُونِ الْمُؤْمِنِينَ و مَن يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللّهِ فِي شَيْءٍ إِلاَّ أَن تَتَّقُواْ مِنْهُمْ تُقَاةً و يُحَذِّرُكُمُ اللّهُ نَفْسَهُ و إِلَى اللّهِ الْمَصِيرُ } [آل عمران : 28] .

و قال تعالى : { و لاَ تَرْكَنُواْ إِلَى الَّذِينَ ظَلَمُواْ فَتَمَسَّكُمُ النَّارُ و مَا لَكُم مِّن دُونِ اللّهِ مِنْ أَوْلِيَاء ثُمَّ لاَ تُنصَرُونَ } [هود : 113] .

و قال تعالى : { بَشِّرِ الْمُنَافِقِينَ بِأَنَّ لَهُمْ عَذَاباً أَلِيماً الَّذِينَ يَتَّخِذُونَ الْكَافِرِينَ أَوْلِيَاء مِن دُونِ الْمُؤْمِنِينَ أَيَبْتَغُونَ عِندَهُمُ الْعِزَّةَ فَإِنَّ العِزَّةَ لِلّهِ جَمِيعاً } إلى قوله : { و لَن يَجْعَلَ اللّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلاً } [النساء : 138 – 141] .

و قال تعالى : { يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ الْكَافِرِينَ أَوْلِيَاء مِن دُونِ الْمُؤْمِنِينَ أَتُرِيدُونَ أَن تَجْعَلُواْ لِلّهِ عَلَيْكُمْ سُلْطَاناً مُّبِيناً } [النساء : 144] .

و قال تعالى : { يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ الْيَهُودَ و النَّصَارَى أَوْلِيَاء بَعْضُهُمْ أَوْلِيَاء بَعْضٍ و مَن يَتَوَلَّهُم مِّنكُمْ فَإِنَّهُ مِنْهُمْ إِنَّ اللّهَ لاَ يَهْدِي الْقَوْمَ الظَّالِمِينَ } [المائدة : 51] .

و قال تعالى : { يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ الَّذِينَ اتَّخَذُواْ دِينَكُمْ [3/أ] هُزُواً و لَعِباً مِّنَ الَّذِينَ أُوتُواْ الْكِتَابَ مِن قَبْلِكُمْ و الْكُفَّارَ أَوْلِيَاء و اتَّقُواْ اللّهَ إِن كُنتُم مُّؤْمِنِينَ و إِذَا نَادَيْتُمْ إِلَى الصَّلاَةِ اتَّخَذُوهَا هُزُواً و لَعِباً ذَلِكَ بِأَنَّهُمْ قَوْمٌ لاَّ يَعْقِلُونَ } [المائدة : 57 – 58] .

و قال تعالى : { إِنَّمَا وليُّكُمُ اللّهُ و رَسُولُهُ و الَّذِينَ آمَنُواْ الَّذِينَ يُقِيمُونَ الصَّلاَةَ و يُؤْتُونَ الزَّكَاةَ و هُمْ رَاكِعُونَ و مَن يَتَولَّ اللّهَ و رَسُولَهُ و الَّذِينَ آمَنُواْ فَإِنَّ حِزْبَ اللّهِ هُمُ الْغَالِبُونَ } [المائدة : 55] .

و قال تعالى : { إِنَّ الَّذِينَ تَوفَّاهُمُ الْمَلآئِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُواْ فِيمَ كُنتُمْ قَالُواْ كُنَّا مُسْتَضْعَفِينَ فِي الأَرْضِ قَالْوَاْ أَلَمْ تَكُنْ أَرْضُ اللّهِ واسِعَةً فَتُهَاجِرُواْ فِيهَا فَأُولَـئِكَ مَأْواهُمْ جَهَنَّمُ و سَاءتْ مَصِيراً إِلاَّ الْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ و النِّسَاء و الْوِلْدَانِ لاَ يَسْتَطِيعُونَ حِيلَةً و لاَ يَهْتَدُونَ سَبِيلاً فَأُولَـئِكَ عَسَى اللّهُ أَن يَعْفُوَ عَنْهُمْ وكَانَ اللّهُ عَفُوّاً غَفُوراً } [النساء : 97 – 99] .

و قال تعالى : { تَرَى كَثِيراً مِّنْهُمْ يَتَوَلَّوْنَ الَّذِينَ كَفَرُواْ لَبِئْسَ مَا قَدَّمَتْ لَهُمْ أَنفُسُهُمْ أَن سَخِطَ اللّهُ عَلَيْهِمْ و فِي الْعَذَابِ هُمْ خَالِدُونَ و لَو كَانُوا يُؤْمِنُونَ بِالله و النَّبِيِّ و مَا أُنزِلَ إِلَيْهِ مَا اتَّخَذُوهُمْ أَوْلِيَاء و لَـكِنَّ كَثِيراً مِّنْهُمْ فَاسِقُونَ } [المائدة : 80 ، 81] .

و الظالمون أنفسهم في هذه الآية السابقة إنما هم تاركون للهجرة مع القدرة عليها حسبما تضمنه قوله تعالى : { أَلَمْ تَكُنْ أَرْضُ اللّهِ واسِعَةً فَتُهَاجِرُواْ فِيهَا } . فظلمهم أنفسَهم إنما كان بتركها ، و [هو] [459] الإقامة مع الكفار و تكثير سوادهم ، و قوله : { تَوفَّاهُمُ الْمَلآئِكَةُ } فيه [التنبيه] [460] على أن الموبَّخ على ذلك و المعاقَب عليه إنما هو من مات مُصِراً على هذه الإقامة ، و [أما] [461] من تاب عن ذلك و هاجر و أدركه الموت و لو بالطريق ، فتوفاه المَلَكُ خارجاً عنهم – فيُرجى قبول توبته ، و أن لا يموتَ ظالماً لنفسه ، و يدل [على ذلك أيضاً] [462] قول الله تعالى : { و مَن يَخْرُجْ مِن بَيْتِهِ مُهَاجِراً إِلَى اللّهِ و رَسُولِهِ } إلى قوله : { و كَانَ اللّهُ غَفُوراً رَّحِيماً } [النساء : 100] .

459 في (أ) ، و (ح) ، و (ر) ، و (م) : (هي) .
460 في (أ) ، و (ر) : (تنبيه) .
461 في (ر) : (و أنّ) .
462 في (أ) : (ذلك أيضاً على) .

فهذه [الآيات] [463] [القرآنية] [464] كلها أو أكثرها ما سوى قوله [465] : { تَرَى كَثِيراً مِّنْهُمْ } إلى آخرها ، نصوص في تحريم الموالاة الكفرانية ، و أما قوله تعالى : { يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ الْيَهُودَ و النَّصَارَى أَولِيَاء بَعْضُهُمْ أَولِيَاء بَعْضٍ و مَن يَتَوَلَّهُم مِّنكُمْ فَإِنَّهُ مِنْهُمْ إِنَّ اللّهَ لاَ يَهْدِي الْقَومَ الظَّالِمِينَ } [المائدة : 51] فما أبقت [متعلقاً] [466] إلى التطرق لهذا التحريم .

و [كذا] [467] قوله تعالى : { يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ الَّذِينَ اتَّخَذُواْ دِينَكُمْ هُزُواً و لَعِباً مِّنَ الَّذِينَ أُوتُواْ الْكِتَابَ مِن قَبْلِكُمْ و الْكُفَّارَ أَولِيَاء و اتَّقُواْ اللّهَ إِن كُنتُم مُّؤْمِنِينَ } [المائدة : 57] .

و تكرار الآيات في هذا المعنى و جريها على نَسَق [و] [468] وتيرة واحدة [مؤكد] [469] للتحريم ، و رافع للاحتمال المتطرق إليه ، فإن المعنى إذا نُصَّ عليه و أُكِّد بالتكرار فقد ارتفع الاحتمال لا شك ، [فتتعاضد] [470] هذه النصوص القرآنية و الأحاديث النبوية و الإجماعات القطعية على هذا النهي ، فلا تجد في تحريم هذه الإقامة و هذه الموالاة الكفرانية مخالفاً من أهل القبلة المتمسكين بالكتاب العزيز الذي { لا يَأْتِيهِ الْبَاطِلُ مِن بَيْنِ يَدَيْهِ و لا مِنْ خَلْفِهِ تَنزِيلٌ مِّنْ حَكِيمٍ حَمِيدٍ } [فصلت : 42] ، فهو تحريم مقطوع به من [الدين] [471] كتحريم الميتة و الدم و لحم الخنزير و قتل النفس بغير حق ، و أخواته من الكلّيات الخمس التي أطبق أرباب المِلَل و الأديان على تحريمها ، و من خالف الآن في ذلك أو رام الخلاف من المقيمين معهم و الراكنين

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463 في (أ) : (الآي) ، و في (ر) : (الآية) .

464 في (ر) : (الكريمة) .

465 في (ر) : (قوله تعالى) .

466 في (ر) : (مُعلّقاً) .

467 في (أ) : (كذلك) .

468 واو العطف ساقطة مِن (أ) .

469 في (ر) : (مؤكدة) ، و هو بعيد عن الصواب ، فيما يبدو ؛ لأن كلمة (مؤكدة) غير مناسبة للمعطوف عليها (رافع) بعدها .

470 في (أ) : (فتتفاضل) .

471 في (ر) : (النهي) .

إليهم فَجَوَّزَ هذه الإقامة ، و استخفَّ أمْرَها و استسهَلَ حكمها – [3/ب] فهو مارقٌ من الدين ، و مفارق لجماعة المسلمين ، و محجوجٌ بما لا مَدفَعَ فيه لمسلم ، و مسبوقٌ بالإجماع الذي لا سبيل إلى مخالفته و خرق سبيله .

قال زعيم الفقهاء القاضي أبو الوليد ابن رشد رحمه الله [472] في أول كتاب التجارة إلى أرض الحرب من مقدماته [473] : فرض الهجرة غير ساقط ، بل الهجرة باقية لازمة إلى يوم القيامة ، [واجب] [474] بإجماع المسلمين على من أسلَم بدار الحرب ألا يقيم بها حيث تجري عليه أحكام المشركين ، و أن [يهجره] [475] و يلحق بدار المسلمين حيث تجري عليه أحكامهم .

قال رسول الله صلى الله عليه و سلم : (**أنا بريء من [كل]** [476] **مسلم مقيم مع المشركين**) [477] .

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472 هو القاضي أبو الوليد محمد بن أحمد بن رشد ، من مشاهير فقهاء و أعيان المالكية ، و هو جد ابن رشد الفيلسوف (محمد بن أحمد) . ولد بقرطبة سنة (450 هـ) ، و توفي بها سنة (520 هـ) ، له مؤلفات كثيرة ، منها : (المقدمات) ، و (البيان التحصيل) ، و (الفتاوى) ، و (مختصر شرح معاني الآثار للطحاوي) .

انظُر ترجمَتَه في : الديباج المذهب في معرفة أعيان علماء المذهب ، لابن فرحون المالكي : 2 / 248 و ما بعدها ، و سير أعلام النبلاء : 19 / 501 و ما بعدها ، و الأعلام ، للزركلي : 5 / 316 ، 317 .

473 إشارة إلى كتاب (المقدمات الممهدات لبيان ما اقتضته رسوم المدونة من الأحكام الشرعيات ، و التحصيلات المحكمات لأمهات مسائلها المشكلات) ألفه ابن رشد حين طلب منه بعض من كان يحضر مجالسه الفقهية أن يجمع ما كان يلقيه عليهم من استفتاح أبواب المدونة ، و في أثناء بعضها مما يحسن المدخل به من معنى عنوان الكتاب ، و اشتقاق لفظه ، و تبيين أصله من الكتاب و السنة ، و ما اتفق عليه أهل العلم من ذلك و اختلفوا فيه ، و وجه بناء مسائله عليه و ردها إليه ، و ربطها بالتقسيم لها و التحصيل لمعانيها .

انظُر : المقدمات الممهدات ، لأبي الوليد ابن رشد : 1 / 5 .

474 في (أ) : (و أجاب) .

475 في (أ) ، و (م) : (يهجرها) بالتأنيث ، و الضمير المتصل فيها يعود على دار الحرب . أما بالتذكير فالضمير المتصل يعود على البلد الذي تجري فيه أحكام المشركين على المسلمين .

476 ما بين المعكوفتَيْن ساقط مِن (ر) .

477 سيأتي تخريج الحديث لاحقاً حيث يورده المؤلف رحمه الله بتمامه ثَمَّ .

و في معناه قال الحافظ ابن حجر رحمه الله : هذا محمول على من لم يأمن على دينه . اهـ من الفتح : 6 / 46 .

إلا أن هذه الهجرة لا يحرمُ على المهاجر بها الرجوعُ إلى وطنه إن عاد دار إيمان و إسلام ، كما حرُمَ على المهاجرين من أصحاب رسول الله صلى الله عليه و سلم [الرجوع] [478] إلى مكة [للذي] [479] [اذخره] [480] الله لهم من الفضل في ذلك [481] .

قال [482] : فإذا وجب بالكتاب و السنة و إجماع الأمة على من أسلم بدار الحرب أن يهجره و يلحق بدار المسلمين ، و لا يثوي بين المشركين و يقيم بين أظهرهم ؛ [لئلا] [483] تجري [عليه] [484] أحكامهم – فكيف يباح لأحدٍ الدخول إلى بلادهم حيث تجري عليه أحكامهم في تجارة أو غيرها ؟! .

و قد كره مالك رحمه الله أن يسكن أحد ببلد يُسَبُّ فيه السلف [485] ، فكيف ببلد يكفر فيه بالرحمن [486] ، و تُعبَد فيه من دونه الأوثان ؟! [و] [487] لا تستقر نفس أحد على هذا إلا مسلم

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478 ما بين المعكوفتَيْن ساقط مِن (أ) .

479 في (ح) ، و (م) : (الذي) .

480 في (ر) : (ادّخره) بدال مشددة مهملة ، و المعنى واحد ، ففي المعجم الوسيط : 1 / 321 : اذّخر الشيء ، ذَخَرَه ، أي : خبّأه لوقت الحاجة ، و يقال : ادّخَر ، و أصله اذتخَر . اهـ .

481 قال ابن رشد رحمه الله : (فكانت الهجرة إلى النبي صلى الله عليه و سلم قبل فتح مكة على من أسلم من أهلها واجبة مؤبدة ، افترض الله عليهم البقاء مع رسوله عليه السلام حيث استقرَّ ، و التحول معه حيث تحول ؛ لنصرته و مؤازرته و صحبته ، و ليحفظوا عنه ما يشرعه لأمته ، و يبلغوا ذلك عنه إليهم ، و لم يرخص لأحد منهم في الرجوع إلى وطنه و ترْك رسول الله صلى الله عليه و سلم . ألا ترى أن رسول الله صلى الله عليه و سلم قال في حجة الوداع : (لا يقيمن مهاجر بمكة بعد قضاء نُسُكه فوق ثلاث) خص الله بهذا من آمن من أهل مكة بالنبي صلى الله عليه و سلم و هاجر إليه ليتم له بالهجرة إليه و المقام معه و ترك العودة إلى الوطن الغاية من الفضل الذين سبق لهم في سابق علمه و هم الذين سماهم الله بالمهاجرين ، و مدحهم بذلك ، فلا يطلق هذا الاسم على أحد سواهم) . المقدمات : 2 / 152 ، و حديث (لا يقيمن مهاجر بمكة ...) صحيح رواه الخمسة .

482 أي : أبو الوليد ابن رشد رحمه الله .

483 في (م) : (ليلا) .

484 في (أ) : (عليهم) .

485 روى ذلك عنه ابن القاسم . انظُر : أحكام القرآن لابن العربي : 1 / 484 ، و الجامع لأحكام القرآن ، للقرطبي : 5 / 348 .

486 حيثما وردت هذه اللفظة فإن ما يقابلها في (م) هو : (الرحمان) ، بألف بعد الميم ، على الشائع في الكتابة المغربية .

487 الواو ساقطة مِن (ر) .

مريض الإيمان . انتهى [488] .

فإن قلتَ : المستفاد من كلام صاحب المقدمات و غيره من الفقهاء المتقدمين صورة [طروء] [489] الإسلام على الإقامة بين أظهر المشركين ، و الصورة المسئول عنها هي صورة طروء الإقامة على أصالة الإسلام ، و بين الصورتين [بَونٌ] [490] بعيد ، فلا يحسُن الاستدلال به على الصورة [المسئول الآن عن حكمها] [491] .

قلتُ : تفقُّهُ المتقدمين إنما كان في تارك الهجرة مطلقاً ، و مثلوا ذلك بصورة [من صوره] [492] ؛ و هو من أسلَم في دار الحرب و أقام ، و هذه المسئول [عنها أيضاً] [493] صورة ثانية من صوره لا تخالف الأولى [الممثَّل] [494] بها إلا في طروء الإقامة خاصة .

فالصورة الأولى [الممثل] [495] بها عندهم [طرأ] [496] الإسلام فيها على الإقامة ، و الصورة الثانية الملحقة بها [المسئول عنها] [497] طرأت الإقامة فيها على الإسلام [498] ، و اختلاف الطروء فرق صوري و هو غير معتبر في استدعاء قصر الحكم عليه ، و [انتهائه]

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488 المقدمات ، لأبي الوليد ابن رشد : 2 / 153 .

489 حيثما وردت لفظة (طروء) فإن ما يقابلها في (م) و في بعض مواضع من النسخ الأخرى هو (طرو) بدون همزة في آخرها .

490 في (أ) : (بوين) .

491 في (أ) : (المسئول عنها الآن) .

492 في (ر) : (بصوره) .

493 في (ر) : (أيضاً عنها) .

494 في (أ) : (المتمثل) .

495 في (أ) : (المتمثل) .

496 في (ر) : (طروء) .

497 ما بين المعكوفتَيْن ساقط من : (ر) ، و (م) .

498 معنى قوله : أن الدار المقام فيها في الصورة الأولى دار كفرٍ أصلاً ، لكن المقيم فيها تحول من الكفر إلى الإسلام ، أما في الصورة الثانية فدار الإقامة كانت دار إسلام ثم تحولت دار كفر ، ـــ على مذهب من يقول بتحول الدار دار كفر بعد أن كانت دار إسلام ـــ و إن ظل المقيم فيها على إسلامه .

[499] إليه ، و إنما خَصَّ من تقدم من [أئمة] [500] الهدى المقتدى بهم الكلام بصورة من أسلم و لم يهاجر ؛ لأن هذه الموالاة الشركية كانت مفقودة [4/أ] في صدر الإسلام و [غُرَّته] [501] ، و لم تحدث على ما قيل إلا بعد مضي [مئات] [502] من السنين ، و بعد انقراض أئمة الأمصار المجتهدين ، فلذلك ــ لا شك ــ لم يتعرض لأحكامها الفقهية أحد منهم .

ثم لما نبغت [503] هذه المرة الموالاة النصرانية في المائة الخامسة و ما بعدها من تاريخ الهجرة وقت استيلاء ملاعين النصارى دمرهم الله على جزيرة صقلية [504] و بعض كُوَرِ الأندلس [505] ، سُئِل عنها بعض الفقهاء ، و استُفهِموا عن الأحكام الفقهية المتعلقة بمرتكبها ، فأجاب : بأن أحكامهم جارية على أحكام من أسلم و لم يهاجر ، و ألحقوا هؤلاء المسئول عنهم و المسكوت عن حكمهم بهم ، و سوَّوْا بين الطائفتين في الأحكام الفقهية المتعلقة بأموالهم و أولادهم ، و لم يروا فيها فرقاً بين الفريقين ؛ و ذلك لأنهما في موالاة [الأعداء] [506] و مساكنتهم و مداخلتهم و

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499 في (أ) : (انتمائه) .

500 حيثما وردت هذه اللفظة فإن ما يقابلها في (م) هو : (أيمة) ، بالياء .

501 في (أ) : (عزّته) .

502 في (ر) : (مئين) .

503 نبغت : ظهرت و طرأت بعد أن لم تكن . و نبغ الشيء من الشيء : ظهَر ، و يقال : نبَغ منه أمراً ما كنا نتوقعه ، و نبغ من قلبه ما أضمَره .

انظُر : الصحاح : 4 / 1326 ، و لسان العرب : 8 / 453 ، و المعجم الوسيط : 2 / 934 .

504 صقلية (sicile) جزيرة كبيرة تقع في جنوبي غربي إيطاليا ، و يفصلها عنها مضيق (مسينا) ، فتحها العرب أيام بني الأغلب على يد القاضي أسد بن الفرات سنة (212 هـ) أيام الخليفة المأمون ، احتلها روجي النرمان سنة (464هـ/1071م) بعد أن افتكها من أميرها عبد الله بن الحواس آخر ملوك الطوائف بصقلية ، و هي اليوم جزء من إيطاليا .

505 أي : نواحي الأندلس و أرجائها ، و الكُوَر : جمع كُورَة ، و من معانيها : الصُقع (أي الناحية) ، أو المدينة ، أو البقعة التي يجتمع فيها قرىً و محالّ .

انظُر : المصباح المنير ، للفيومي ، ص : 207 ، و مختار الصحاح ، للرازي ، ص : 582 ، و المعجم الوسيط : 2 / 836 .

قلت : و يكثر استعمال هذه الكلمة للدلالة على المدن و البقاع و الإمارات الأندلسية في كتب أهل الأندلس خاصة ، كما في نفح الطيب من غصن الأندلس الرطيب ، لأحمد بن محمد المقري ، و غيره .

506 في (م) : (الأعداد) و هو خطأٌ جليٌّ .

ملابستهم ، و عدم مباينتهم ، و ترك الهجرة الواجبة عليهم ، و الفرار منهم ... و سائر الأسباب الموجِبة لهذه الأحكام المسكوت عنها في الصورة المسئول عن فرضها – بمثابةٍ واحدة .

فألحَقوا رضي الله عنهم الأحكام المسكوت عنها في هؤلاء المسكوت عنهم بالأحكام [المتفقة] [507] فيها في أولئك ، فصار اجتهاد المتأخرين في هذا مجرد إلحاق [المسكوت] [508] عنه بمنطوق به مساوٍ له في المعنى من كل وجه ، و هو منهم رضي الله عنهم عدلٌ من النظر ، و احتياطٌ في الاجتهاد ، و ركونٌ إلى الوقوف مع من تقدم من أئمة الهدى المقتدى بهم ، فكان غاية في الحُسن و الزَين .

و أما الاحتجاج على تحريم [هذا] [509] الإقامة من السنة فما خرَّجه الترمذي أن النبي صلى الله عليه و سلم بعث سريةً إلى خثعم [510] فاعتصم ناسٌ بالسجود ، فأسرع فيهم القَتلَ ، و بلغَ ذلك النبيَّ صلى الله عليه و سلم ، فأمر لهم بنصف العقل [511] ، و قال : (**أنا بريء من كل مسلم يقيم بين أظهر المشركين**) . قالوا : يا رسول الله و لِمَ ؟ قال : (**لا تتراءى ناراهما** [512])

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507 في (أ) ، و (ر) : (المُتَفقَّه) .

508 في (أ) ، و (ح) ، و (ر) : (لمسكوتٍ) .

509 ما بين المعكوفتَيْن ساقط مِن (ر) ، و إسقاطه أصلح للمعنى ، و تأنيثه أصلح من إسقاطه .

510 خثعم اسم قبيلة ، قيل أنها سميت بذلك نسبة إلى جبل في اليمن يقال له خثعم ، و قيل : بل نسبة إلى رجل من أهل اليمن يسمى خثعم بن أنمار ، و يقال : هم من معد صاروا باليمن ، و قيل : خثعم اسم جمل سمي به خثعم ، و الخَثْعَمَةُ تلطخ الجسد بالدم ، و قيل : به سميت هذه القبيلة ؛ لأنهم نحروا بعيرا فتلطخوا بدمه ، و تحالفوا .

انظُر : لسان العرب : 12 / 166 ، و كتاب العين ، للخليل بن أحمد الفراهيدي : 2 / 285 .

511 العَقْل : الدية ، و الجمع : عُقُول ، و العاقل : دافع الدية ، و الجمع عاقِلة ، و عاقلة الرَجُل : عُصبَتُه ، و هم الأقارب من جهة الأب الذين يشتركون في دفع الدية . قال الأصمعي : سُمِّيَت الدية عقلاً تسميةً بالمصدر ؛ لأن الإبل كانَت تُعقَل بفناء وليّ القتيل ، ثمَّ كثُر الاستعمال حتى أُطلِقَ العقل على الدية إبلاً كانت أو نقداً .

انظُر : المصباح المنير ، للفيومي ، ص : 160 ، 161 ، و الصحاح ، للجوهري : 5 / 1770 ، 1771 ، و المعجم الوسيط : 2 / 639 ، 640 .

512 و معنى قوله : (لا تراءى ناراهما) كما قال ابن الأثير : أي يلزم المسلم و يجب عليه أن يباعد منزله عن منزل المشرك ، و لا ينزل بالموضع الذي إذا أوقد فيه ناره تلوح و تظهر لنار المشرك إذا أوقدها في منزله ، و لكن ينزل مع المسلمين في دارهم ، و إنما كره مجاورة المشركين ، لأنهم لا عهد لهم و لا أمان ، و حثّ المسلمين على الهجرة ، و الترائي : تفاعل من

[513] .

و في الباب : أن النبي صلى الله عليه و سلم [قال] [514] : (**لا تساكنوا المشركين و لا تجامعوهم ، فمن ساكنهم أو جامعهم فهو منهم**) [515] .

و التنصيص في هذين الحديثين على المقصود بحيث لا يخفى على أحد ممن له نظر سليم ، و ترجيح مستقيم ، و قد ثبتا في الحسان [من المصنفات الستة] [516] التي تدور عليها رحى الإسلام .

قالوا : و لا معارض [لها] [517] لا ناسخ و لا مخصِّص و لا غيرهما ، [و مقتضاهما] [518] لا مخالف لهما من المسلمين ، و ذلك كاف في الاحتجاج بهما . هذا مع [اعتضادهما] [519]

الرؤية ، يقال : تراءى القوم ، إذا رأى بعضهم بعضاً ، و تراءى لي الشيء ، أي : ظهر حتى رأيته ، و إسناد الترائي في الحديث إلى النارين مجاز من قولهم : داري تنظر إلى دار فلان ، أي : تقابلها ، يقال : ناراهما مختلفان ؛ هذه تدعو إلى الله ، و هذه تدعو إلى الشيطان ، فكيف تتفقان ؟! و الأصل في (تراءى) تتراءى ، فحذفت إحدى التائين تخفيفاً . اهـ .

النهاية في غريب الحديث و الأثر ، لابن الأثير : 2 / 177 .

513 حديث صحيح رواه الترمذي : 4 / 155 في كتاب السير ، باب ما جاء في كراهية المقام بين أظهر المشركين ، حديث رقم (1604) ، و أبو داود : 3 / 45 في كتاب الجهاد ، باب النهي عن قتل من اعتصم بالسجود ، حديث رقم (2645) ، و النسائي : 8 / 36 في كتاب القسامة ، باب القود بغير حديدة ، حديث رقم (4780) كلهم عن جرير بن عبد الله .

514 ما بين المعكوفتَيْن ساقط مِن (ح) .

515 أخرجه الترمذي معلقاً : 4 / 156 في كتاب السير ، باب ما جاء في كراهية المقام بين أظهر المشركين ، حديث رقم (1650) ، و الحاكم في المستدرك : 2 / 141 ، و قال : صحيح على شرط البخاري و لم يخرجاه ، و رواه أيضاً البيهقي في السنن الكبرى : 9 / 142 ، و الطبراني في معجمه الكبير : 7 / 217 ، كلهم عن سمرة رضي الله عنه .

و أخرجه أبو داود في سننه : 3 / 93 ، في باب الإقامة بأرض الشرك ، حديث رقم (2787) بلفظ : (من جامع المشرك وسكن معه فإنه مثله) .

و الحديث صححه الشيخ الألباني رحمه الله بشواهده في الصحيحة : 2 / 229 .

516 ما بين المعكوفتَيْن مكرر في (ر) .

517 في (أ) : (له) .

518 في (ر) : (لا مقتضاهما) و هو خطأ .

519 في (أ) : (اعتضاضهما) .

بنصوص الكتاب و قواعد الشرع و شهادتهما لهما .

و في سنن أبي داود من حديث معاوية قال : سمعت [4/ب] رسول الله صلى الله عليه وسلم يقول : (**لا تنقطع الهجرة حتى تنقطع التوبة ، و لا تنقطع التوبة حتى تطلع الشمس من مغربها**) [520] .

و فيه [521] حديث ابن عباس قال : قال رسول الله صلى الله عليه و سلم يومَ فتحِ مكة : (**لا هجرة بعد الفتح ، و لكن جهادٌ و نيةٌ ، و إن استنفرتم فانفِروا**) [522] .

[و قال] [523] أبو سليمان الخطابي [524] : كانت الهجرة في أول الإسلام مندوباً إليها غير مفروضة ، و ذلك قوله [سبحانه] [525] : { و مَن يُهَاجِرْ فِي سَبِيلِ اللّهِ يَجِدْ فِي الأَرْضِ مُرَاغَماً كَثِيراً وسَعَةً } [النساء : 100] ، [نزل] [526] حين اشتد أذى المشركين على المسلمين بمكة ، ثم وجبت الهجرة على المسلمين عند [خروج] [527] النبي صلى الله عليه و سلم إلى المدينة ، و

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520 صحيحٌ ، رواه أبو داود : 3 / 3 في كتاب الجهاد ، باب في الهجرة التي انقطعت ، حديث رقم (2479) ، و النسائي : 5 / 217 في كتاب متى تنقطع الهجرة ، حديث رقم (6711) ، و أحمد : 13 / 169 ، في مسند معاوية بن أبي سفيان رضي الله عنه ، حديث رقم (16848) .

521 أي : في هذا الباب ، و هو باب وجوب الهجرة و بقاء حكمها ما بقي سببه .

522 رواه البخاري : 6 / 6 في كتاب الجهاد و السير ، باب فضل الجهاد و السير ، برقم (2783) ، و مسلم : 2 / 422 ، 423 في كتاب الحج ، باب تحريم مكة و صيدها و خلاها و شجرها و لُقَطتها إلا لمُنشِد على الدوام ، حديث رقم (1353) .

523 في (م) : (و قال) بزيادة واو .

524 الخطابي ، هو : حَمْد ــ و قيل أحمد ــ بن محمد بن إبراهيم بن خطاب البستي ، الإمام ، العلامة ، الحافظ ، اللغوي ، وُلِد في (بُسْت) من بلاد الأفغان ــ عجّل الله تحريرها ــ و توفي بها سنة 388 هــ . كان فقيها ، أدبياً ، محدثاً ، ورعاً ، له من التصانيف البديعة (معالم السنن ، شرح لسنن أبي داود) ، و (الغنية عن الكلام و أهله) ، و (غريب الحديث) ، و العزلة) .

انظر ترجمته في : المنتظم في تاريخ الملوك و الأمم ، لابن الجوزي : 6 / 397 ، و وفيات الأعيان 2 / 214 – 216 ، و سير أعلام النبلاء 17 / 23 .

525 في (م) : (سبحانه و تعالى) .

526 في (ر) : (نزلت) أي الآية ، و بدون التاء يعود الضمير المستتر على قوله سبحانه .

527 ما بين المعكوفتَيْن ساقط مِن (ر) .

أمِروا بالانتقال إلى حضرته ؛ ليكونوا معه فيتعاونوا و يتظاهروا إن حَزَبهم أمر ، و ليتعلموا أمر دينهم ، و ليتفقهوا فيه .

و كان عظمُ الخوف في ذلك الزمان من قريش و هم أهل مكة ، فلما فتحت مكة [و بَخَعَت] [528] بالطاعة [زال] [529] ذلك المعنى ، و ارتفع وجوب الهجرة ، و عاد الأمر فيها إلى الندب و الاستحباب .

[فهما] [530] هجرتان ؛ [فالمنقطعة] [531] منهما هي الفرض ، و الباقية هي الندب ، فهذا وجه الجمع بين الحديثين [532] على أن بين الإسنادين ما بينهما : إسناد [حديث] [533] ابن عباس

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528 ما بين المعكوفتَيْن يقابله بياض في (ر) .

و بخعت أي أذعنت و خضعت و انقادت ، يقال : بخع بالحَقِّ بُخُوعاً : أقَرَّ بهِ ، و خَضَعَ له .

قال ابن الأثير (في النهاية : 1 / 102) بعد أن أورد حديث (أتاكم أهل اليمن هم أرقّ قلوباً و أبْخَعُ طاعةً) : أي أبْلَغُ و أنصَح في الطاعة من غيرهم ، كأنهم بالَغُوا في بَخْع أنفسهم : أي قَهْرها و إذلالها بالطاعة . قال الزمخشري : هو من بَخَع الذبيحة إذا بالغ في ذبحها ، و هو أن يَقْطع عَظْم رقبَتها و يَبْلُغ بالذبح البِخَاع – بالباء – و هو العِرق الذي في الصّلب .اهـ .

و انظُر : المصباح المنير ، للفيومي ، ص : 15 ، و لسان العرب : 8 / 5 ، و المعجم الوسيط : 1 / 43 .

529 في (أ) : (إلى) ، و لا يستقيم بها المعنى .

530 في (ر) : (و هما) .

531 في (م) : (فالمنطقة) ، و هو خطأ .

532 قال البغوي في شرح السنة : 6 / 263 : وجه الجمع بين الحديثين أن الهجرة كانت مندوبة في أول الإسلام غير مفروضة ، و ذلك قوله سبحانه : (و من يهاجر في سبيل الله يجد في الأرض مراغماً كثيراً و سعة) ، فلما هاجر النبي صلى الله عليه و سلم إلى المدينة أُمِروا بالهجرة و الانتقال إلى حضرته ؛ ليكونوا معة ... قال الخطابي : فهما هجرتان ، فالمنقطعة هي الفرض ، و الباقية هي الندب . قال الإمام : الأَولى أن يُجمَع بينهما من وجه آخر ، و هو أن قوله : (لا هجرة بعد الفتح) أراد به من مكة إلى المدينة ، و قوله : (لا تنقطع الهجرة) أراد به هجرة من أسلم في دار الكفر عليه أن يفارق تلك الدار . اهـ .

و قال الحافظ ابن حجر في فتح الباري : 7 / 271 ، بعد أن نقل عن البغوي نحو كلامه السابق : الذي يظهر أن المراد بالشق الأول ـــ و هو المنفي ـــ ما ذكره في الاحتمال الأخير ، و بالشق الآخر ـــ المثبت ـــ ما ذكره في الاحتمال الذي قبله ، و قد أفصح ابن عمر بالمراد فيما أخرجه الاسماعيلي بلفظ : (انقطعت الهجرة بعد الفتح إلى رسول الله صلى الله عليه و سلم ، و لا تنقطع الهجرة ما قوتل الكفار) أي : ما دام في الدنيا دار كفر فالهجرة واجبة منها على من أسلَم و خشيَ أن يفتن في دينه . اهـ .

533 ما بين المعكوفتَيْن ساقط مِن (ر) .

متصل صحيح ، و إسناد معاوية فيه مقال . انتهى [534] .

قلتُ : هاتان الهجرتان اللتان تضمنهما حديث معاوية و حديث ابن عباس هما الهجرتان اللتان انقطع فرضهما بفتح مكة ؛ فالهجرة الأولى [الهجرة] [535] من الخوف على الدين و النفس كهجرة النبي صلى الله عليه و سلم و أصحابة المكيين ؛ فإنها كانت [عليه] [536] فريضة لا يُجزىء إيمان دونها ، و الثانية الهجرة إلى النبي صلى الله عليه و سلم في داره التي استقر فيها ، فقد بايع من قصده على الهجرة و بايع آخرين على الإسلام ، و أما الهجرة من أرض الكفر فهي فريضة إلى يوم القيامة .

قال ابن العربي [537] في الأحكام [538] : الذهاب في الأرض ينقسم إلى ستة أقسام :

الأول : الهجرة ، و هي الخروج من دار الحرب إلى دار الإسلام ، و كانت فرضاً في [

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534 معالم السنن ، للخطابي : 2 / 234 ، 235 ، و حديث معاوية تقدم تخريجه و بيان صحته .

535 ما بين المعكوفتَيْن ساقط من (أ) ، و (ح) : (م) .

536 في (ر) : (عليه) .

537 هو : أبو بكر ، محمد بن عبد الله بن محمد بن عبد الله بن أحمد الإشبيلي المالكي ، المعروف بابن العربي ، أحد الحفاظ و القضاة المشهورين ، و لد في إشبيلية سنة (468 هـ) ، رحل مع أبيه إلى المشرق ، و دخل الشام فتفقه بأبي بكر الطرطوشي ، و لقي بها جماعة من العلماء المحدثين ، و دخل بغداد فسمع بها ، و أخذ الأصلين عن أبي بكر الشاشي ، و الغزالي ، و الأدب عن أبي زكريا التبريزي ، و حجَّ ، و رجع إلى مصر و الإسكندرية فسمع بها من جماعة ، و عاد إلى بلده متبحراً في العلوم ، جامعاً للكثير منها ، بالغاً درجة الاجتهاد في علوم الدين ، مقدماً في في المعارف كلها ، جامعاً إلى ما أوتي من العلم و الحكمة أدباً جماً وخلقاً حسناً ، مع حسن المعاشرة و لين الكنف ، مات رحمه الله بفاس ، سنة (543 هـ) و دُفن فيها .

من تصانيفه الحسان : (العواصم من القواصم) ، و (الإنصاف في مسائل الخلاف) ، و (قانون التأويل) .

انظُر ترجمَتَه في : وفيات الأعيان ، لابن خلكان : 4 / 296 ، 297 ، ترجمة رقم (626) ، و طبقات المفسرين ، للداودي : 1 / 180 و ما بعدها ، و الديباج المذهب : 2 / 252 و ما بعدها ، و الأعلام ، للزركلي : 6 /230.

538 هو كتاب (أحكام القرآن) لابن العربي ، و هو تفسير خمسمائة آية متعلقة بأحكام المكلَّفين ، أتى بها مرتبة بحسب السور على ترتيب المصحف ، ثم فسرها و استنبط ما فيها من الأحكام ، مستوفياً ما يتعلق بها من مسائل لغوية و حديثية و فقيهة على نحوٍ بديع ، حتى صار كتابه هذا مرجعاً لمن بعده من المفسرين بعامّةٍ ، و للمقتصرين على آيات الأحكام بخاصّةً .

ذكر (أحكام القرآن) و عرّف به حاجي خليفة في كشف الظنون : 1 / 10 ، و هو محقق مطبوع.

أيام] [539] النبي [صلى الله عليه و سلّم] [540] ، و هذه الهجرة باقية مفروضة إلى يوم القيامة ، و التي انقطعت بالفتح هي القصد إلى النبي صلى الله عليه و سلم حيث كان ... [541] فإن بقي في دار الحرب عصى ، و [يختلف] [542] في حاله ... [543] و انظر بقية أقسام الهجرة فيها [544] .

و قال في العارضة : إن الله حرم أولاً على المسلمين أن يقيموا بين أظهر المشركين بمكة ، و افترض عليهم أن يلحقوا بالنبي بالمدينة ، فلما فتح الله مكة سقطت الهجرة ، و بقي تحرم المُقام بين أظهر المشركين .

[5/أ] و هؤلاء الذين اعتصموا بالسجود لم يكونوا أسلموا و أقاموا مع المشركين ؛ إنما كان اعتصامهم في الحال . نعم إنه لا يحل قتل من بادر إلى الإسلام إذا رأى السيف على رأسه

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539 في (م) : (إبّان) و إبّانُ الشيء : وقته و أوانه ، و يغلب استعماله مضافاً .
انظُر : الصحاح ، 5 : 2066 ، و المعجم الوسيط : 1 / 1– 3 .

540 في (أ) ، و (ح) ، و (ر) ، و (م) : (عليه السلام) .

541 توجد هنا عبارة أسقطها المؤلف من كلام ابن العربي ، نصّها : (فمن أسلَم في دار الحرب وجب عليه الخروج إلى دار الإسلام) .

542 في (ر) : (مختلف) .

543 أحكام القرآن ، لابن العربي : 1 / 484 .

544 قال ابن العربي بعد ما نقله عنه الونشريسي في هذه الرسالة : الثاني : الخروج من أرض البدعة ؛ قال ابن القاسم : سمعت مالكاً يقول : لا يحل لأحد أن يقيم بأرض يُسَبُّ فيها السلف . قال ابن العربي : و هذا صحيح ؛ فإن المنكر إذا لم تقدر أن تغيره فزُل عنه ، قال الله تعالى : (و إذا رأيت الذين يخوضون في آياتنا فأعرض عنهم) إلى قوله : (الظالمين) [الأنعام : 68] . الثالث : الخروج من أرض غلَب عليها الحرام ؛ فإنَّ طلب الحلال فرضٌ على كل مسلم . الرابع : الفرار من الأذيَّة في البَدَن ؛ و ذلك فضل من الله أرخص فيه ، فإذا خشيَ على نفسه في موضع فقد أذن الله في الخروج عنه ، و الفرار بنفسه ليخلصها من ذلك المحذور ، و أول من فعله إبراهيم عليه السلام ؛ فإنه لما خاف من قومه قال : (إني مهاجر إلى ربي) [العنكبوت : 26] ، و قال : (إني ذاهب إلى ربي سيهدين) [الصافات : 99] . و قال مخبراً عن موسى : (فخرج منها خائفاً يترقب) [القصص : 21] . الخامس : خوف المرض في البلاد الوخمة و الخروج منها إلى الأرض النزهة ، و قد أذن صلى الله عليه و سلم للرعاة حين استوخموا المدينة أن يخرجوا إلى المسرح فيكونوا فيه حتى يصِحُّوا ، و قد استثنى من ذلك الخروج من الطاعون ؛ فمنع الله سبحانه منه بالحديث الصحيح عن نبيه صلى الله عليه و سلم ... بَيْدَ أن علماءنا قالوا : هو مكروه . السادس : الفرار خوف الأذية في المال ؛ فإن حرمة مال المسلم كحرمة دمه ، و الأهلُ مِثلُه و أوكد . اهـ . أحكام القرآن ، لابن العربي : 1 / 484 و ما بعدها .

بإجماع من [الأئمة] [545] ، و لكن قُتلوا لأحد معنيين : إما لأن السجود لا يعصم ، و إنما يعصم الإيمان بالشهادتين لفظاً ، و إما لأن الذين قتلوهم لم يكونوا يعلمون أن ذلك يعصمهم ، و هذا هو الصحيح ؛ فإن بني جَذِيمة [546] لما أسرَع خالدٌ [547] فيهم القتل قالوا : صبأنا [صبأنا] [548] ، و لم يحسنوا أن يقولوا : أسلمنا ، فقتلهم ، فوداهم [549] النبي صلى الله عليه و سلم [لخطأ] [550] خالد [551] ، و خطأ الإمام و عامله في بيت المال [552] .

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545 في (أ) ، و (ر) : (الأمة) .

546 بنو جَذيمة هم : بنو جذيمة بن عامر بن عبد مناة بن كنانة ، كانوا يسكنون الغميصاء ، و هو موضع في بادية العرب قرب مكة ــ كما قال ياقوت ــ ، بعث إليهم النبي صلى الله عليه و سلم خالد بن الوليد في ثلاثمائة و خمسين من المهاجرين و الأنصار داعياً إلى الإسلام لا مقاتلاً (كما في مغازي ابن سعد) ، و كان ذلك في شوال عقب فتح مكة و قبل الخروج إلى حنين باتفاق أهل المغازي . انظُر : فتح الباري : 7 / 654 ، و معجم البلدان : 4 / 214 .

547 هو سيف الله خالد بن الوليد بن المغيرة المخزومي القرشي ، الصحابي الفاتح الكبير ، كان من أشراف قريش في الجاهلية ، شهد مع مشركيهم حروب الشام حتى عمرة الحديبية ، حيث أسلم قبل الفتح (سنة 7 هــ) ، فسُرّ بإسلامه رسول الله صلى الله عليه و سلم ، و ولاه الخيل ، و لما ولي أبو بكر الخلافة وجّهه إلى لقتال مسيلمة و من ارتدّ من أعراب نجد ، ثمّ سيّره إلى العراق (سنة 12 هــ) ، ففتح الله على يديه الحيرة و جانباً عظيماً من أرض العراق ــ عجّل الله تحريرها من أيدي الغزاة الصليبيين المعاصرين ــ ثم حوّله أبو بكر إلى الشام و أمَّرَه على من فيها من الجند ، حتى كان عهد عمر فعزله ، و ولَّى مكانه أبا عبيدة بن الجراح ، فقاتل خالد تحت إمرة أبي عبيدة ، و ضرب بسيفه إلى أن تمّ لهما فتح الشام ، فرحل إلى المدينة ، و دعاه عمر ليوليه فأبى .

توفي (سنة 21هــ) بحمص الشام ــ و قيل بالمدينة ــ و لا يعرف له قبر إلا في حمص ، كان مظفّراً خطيباً فصيحاً يشبه عمر بن الخطاب في خَلْقِه و صِفَته . قال أبو بكر الصديق : (عجزت النساء أن يلدن مثل خالد) .

انظُر ترجمَتَه في : أسد الغابة في معرفة الصحابة ، لابن الأثير : 2 / 100 و ما بعدها ، و الإصابة في تمييز الصحابة ، لابن حجر : 1 / 413 و ما بعدها ، ترجمة رقم (2201) .

548 ما بين المعكوفتَيْن ساقط مِن (م) .

549 أي : دفَعَ ديَتهم إلى أهليم .

550 في (أ) ، و (ر) : (بخطأ) .

551 روى البخاري : 7 / 653 ، 654 في كتاب المغازي ، باب بعث النبي صلى الله عليه و سلم خالد بن الوليد إلى بني جَذِيمة ، حديث رقم (4339) ، عن عبد الله بن عمر رضي الله عنهما ، قال : بعث النبي صلى الله عليه و سلم خالد بن الوليد إلى بني جذيمة ، فدعاهم إلى الإسلام ، فلم يحسنوا أن يقولوا : أسلمنا ، فجعلوا يقولون : صبأنا صبأنا ، فجعل خالد يقتل منهم و يأسر ، و دفع إلى كل رجل منا أسيره ، حتى إذا كان يومٌ ، أمر خالد أن يقتل كل رجل منا أسيره ، فقلت : و الله لا أقتل أسيري ، و لا يقتل رجل من أصحابي أسيره ، حتى قدمنا على النبي صلى الله عليه و سلم فذكرناه ، فرفع النبي صلى الله عليه وسلم يديه فقال : (اللهم إني أبرأ إليك مما صنع خالد) . مرَّتَيْن .

قال : و هذا يدل على أنه ليس بشرط الإسلام قول : لا إله إلا الله محمد رسول الله [على التعيين] [553] ... و إنما ودَاهم نصف العقل على معنى الصلح و المصلحة ، كما ودى أهل جذيمة بمثْلَيْ ذلك على ما اقتضته حال كل واحد في قوله .

و قد اختلف الناس فيمن أسلم و بقي بدار الحرب [فقُتل أو سُبيَ] [554] أهله و ماله ؛ فقال مالك : حُقِنَ دمه ، و ماله لِمَن أَخَذَه ، حتى [يحوزه] [555] بدار الإسلام [556] ، وقيل عنه : إنه [يجوز] [557] ماله و أهله ، و به قال الشافعي .

و المسألة محققة في مسائل الخلاف ، مبنية على أن الحربي هل يملك ملكاً صحيحاً أم لا ؟ و أن العاصم هل هو الإسلام أو الدار ؟ فمن ذهب إلى أنه يملك ملكاً صحيحاً تمسك بقوله عليه السلام : (**هل ترك لنا عقيل** [558] **من دار**) [559] ، و بقوله صلى الله عليه و سلم : (**أمِرتُ أن**

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552 هذا ما استنبطه العلماء من هذا الحديث . انظُر : تفسير ابن كثير : 1 / 811 .

553 ما بين المعكوفتَيْن ساقط مِن (ر) .

554 في (أ) : (فقتل أو أُسِرَ أو سبي) .

555 في (م) : (يجوزه) .

556 أي : حتى يحوز ــ أي : يملك ــ مَن أسلَمَ في دار الحرب مالَه بدار الإسلام .

انظُر : المدونة الكبرى ، للإمام مالك بن أنس الأصبحي ، رواية سحنون عن ابن القاسم : 3 / 38 ، 39 .

و البيان و التحصيل و الشرح و التوجيه و التعليل في مسائل المستخرجة ، لأبي الوليد ابن رشد : 3 / 42 .

و بُلغَة السالك لأقرب المسالك إلى مذهب الإمام مالك ، لأحمد بن محمد الصاوي ، على الشرح الصغير ، لأحمد بن محمد بن أحمد الدردير : 1 / 366 .

557 في (م) : (يجوز) .

558 هو : أبو يزيد عقيل بن أبي طالب بن عبد المطلب الهاشمي القرشي ، صحابي جليل ، فصيح اللسان ، سريع الجواب ، أعلم قريش بأيامها و مآثرها و مثالبها و أنسابها ، و هو اخو (علي) و (جعفر) لأبيهما ، و كان أسنّ منهما ، برز اسمه في الجاهلية ، فأخرجته قريش للقتال في بدر كَرْهاً فشهدها معهم ، و أسره المسلمون ففداه العباس بن عبد المطلب ، فرجع إلى مكة ثم أسلم بعد الحديبية ، و هاجر إلى المدينة (سنة 8 هــ) ، و شهد غزوة مؤتة ، و لم يسمع له بخبر في فتح مكة و لا الطائف ، و ثبت يوم حنين ، عمي في أواخر أيامه ، و كان الناس يأخذون عنه الأنساب و الأخبار في مسجد النبي صلى الله عليه و سلم بالمدينة ، إلى أن توفي رضي الله عنه في أول أيام يزيد ــ و قيل : في أيام معاوية ــ (سنة 60 هــ) .

انظُر ترجمَتَه في : الإصابة في تمييز الصحابة ، لابن حجر : 2 / 492 ، ترجمة رقم (5628) .

أقاتل الناس حتى يقولوا : لا إله إلا الله ، فإذا قالوها عصموا مني دماءهم و أموالهم إلا بحقها) [560] فسوّى بين الدماء و الأموال و أضافها إليهم ، و الإضافة تقتضي التمليك ، [ثم أخبر عمن أسلم منهم أنه معصوم ، و ذلك يقتضي أن لا يكون لأحد عليه] [561] سبيل [562] .

و تمسك أيضاً من أتبَعَه ماله بقوله صلى الله عليه و سلم : (**مَن أسلَم على شيء فهو له**) [563] ، و بقوله صلى الله عليه و سلم : (**لا يحل مال امريء مسلم إلا عن طيب نفْسٍ منه**)

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559 رواه البخاري : 7 / 606 في كتاب المغازي ، باب أين ركز النبي صلى الله عليه و سلم الراية يوم الفتح ، حديث رقم (4282) ، و مسلم : 2 / 420 ، 421 في كتاب الحج ، باب النزول بمكة للحج و توريث دُورِها ، حديث رقم (1351) كلاهما عن أسامة بن زيد رضي الله عنه ، و تتمة الحديث : ثم قال صلى الله عليه و سلم : (لا يرث الكافر المؤمن و لا المؤمن الكافر) .

و قد نقل ابن حجر عن الزهري أن عقيلاً و طالباً و رِثا أبا طالب ، و لم يرث جعفر و لا عليٌّ شيئاً ؛ لأنهما كانا مسلمَيْن و كان عقيل و طالب كافرَين . ثم قال : و هذا يدل على تقدم هذا الحكم في أوائل الإسلام ؛ لأن أبا طالب مات قبل الهجرة ، و يحتمل أن تكون الهجرة لما وقعت استولى عقيل و طالب على ما خَلَّفَه أبو طالب ، و كان أبو طالب قد وضع يده على ما خَلَّفَه عبد الله والد النبي صلى الله عليه و سلم ؛ لأنه كان شقيقَه ، و كان النبي صلى الله عليه و سلم عند أبي طالب بعد موت جده عبد المطلب ، فلما مات أبو طالب ، ثم وقعت الهجرة ، و لم يُسلم طالب ، و تأخر إسلام عقيل ، استوليا على ما خلّفه أبو طالب ، و مات طالب قبل بدر ، و تأخر عقيل ، فلما تقرر حكم الإسلام بترك توريث المسلم من الكافر استمر ذلك بيد عقيل ، فأشار النبي صلى الله عليه و سلم إلى ذلك ، و كان عقيل قد باع تلك الدور كلّها . اهـ .

فتح الباري : 7 / 607 ، 708 .

560 تتمة الحديث : (و حسابهم على الله) مثبتة في (ر) : دون سائر النسخ .

و الحديث رواه البخاري في صحيحه : 3 / 308 ، في كتاب الزكاة ، باب الأمر بقتال الناس حتى يقولوا : لا إله إلا الله محمد رسول الله ، و يقيموا الصلاة ... ، حديث رقم (20) عن عمر بن الخطاب رضي الله عنه ، و رواه أيضاً في الصحيح : 6 / 130 في كتاب الجهاد ، باب دعاء النبي صلى الله عليه و سلم إلى الإسلام و النبوة ، حديث رقم (2946) ، و مسلم في صحيحه : 1 / 60 في كتاب الإيمان ، باب الأمر بقتال الناس حتى يقولوا : لا إله إلا الله محمد رسول الله ، حديث رقم (20) عن أبي هريرة رضي الله عنه .

561 ما بين المعكوفتَيْن يقابله في العارضة قول ابن العربي رحمه الله : (ثم أخبر أنها معصومة ، و ذلك يقتضي أن لا يكون لأحد عليها) .

562 انتهى نقله من العارضة : 7 / 105 ، 106 .

563 أخرجه أبو يعلى في مسنده : 10 / 227 ، و البيهقي في السنن الكبرى : 9 / 113 ، عن أبي هريرة رضي الله عنه . قال الهيثمي في المجمع (5 / 336) : و فيه يس بن معاذ الزيات و هو متروك .

564 .

و أما مالك و أبو حنيفة و من قال بقولهما فعندهم أن العاصم إنما هو الدار [565] ، فما لم يحز المسلم ماله و ولده بدار الإسلام ، و إلا فما أصيب من ذلك بدار الكفر فهو فيء للمسلمين ، و كأن الكفار عندهم لا يملكون ، بل أموالهم و أولادهم حلال لمن [يقدر] [566] عليها من المسلمين كدمائهم ، فمن أسلم منهم و لم يحز مالاً و [لا] [567] ولداً بدار الإسلام فكأنه لا مال له و لا ولد ، و كأن اليد للكفار كما أن الدار لهم ، و ليست يد صاحبه الإسلامي يداً إذا كان بين أظهرهم .

و قال [ابن] [568] العربي أيضاً : العاصم لدم المسلم الإسلام ، و لماله الدار [569] .

و قال الشافعي : العاصم لهما جميعاً هو الإسلام [570] .

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564 أخرجه الحاكم في المستدرك : 1 / 93 ، و البيهقي في السنن الكبرى : 6 / 97 ، من حديث ابن عباس رضي الله عنهما .

565 انظُر : الجامع لأحكام القرآن ، لابن العربي : 1 / 476 ، 477 ، و أحكام القرآن ، للجصاص : 2 / 241 ، و بدائع الصنائع ، للكاساني : 7 / 132 .

566 في (أ) ، و (ح) : (يقدرون) .

567 ما بين المعكوفتَيْن ساقط مِن (ر) .

568 ما بين المعكوفتَيْن ساقط من الأصل .

569 في عارضة الأحوذي لابن العربي خلاف ما نسبه إليه الونشريسي هنا ، فقد قال ابن العربي فيها : (فالعصمة ثابتة بالإسلام ، و هو العاصم حقيقةً للدم و المال) ، و هو مذهب الشافعي ، و هو ما استحسنه ابن العربي في (أحكام القرآن) و قال بأنه أسلم ، و سيشير المصنف إلى ذلك لاحقاً .

انظُر : عارضة الأحوذي ، لابن العربي : 7 / 106 ، و أحكام القرآن ، له : 1 / 477 .

570 مذهب الشافعية : إنه إذا قتل مسلم مسلماً في دار الحرب فهو على إحدى حالَيْن :

الحال الأولى : ألا يعلم القاتل بإسلام المقتول ، فينظر في قتله : فإن قتله خطأ ، ضمنه بالكفارة دون الدية ، و إن قتله عمداً ، فلا قود عليه ؛ للشبهة ، و عليه الكفارة ، و في و جوب الدية قولان : أحدهما ــ و هو اختيار المزني ــ : لا دية عليه ؛ لأن الجهل بإسلامه يغلب حكم الدار في سقوط ديته ، كما غلب حكمها في سقوط القود . و الثاني ــ و هو اختيار أبي إسحاق المروزي ــ : ضمن ديته ، تغليباً لحكم قصده ، و لا يؤثر سقوط القود الذي يسقط بالشبهة في سقوط الدية التي لا تسقط بالشبهة .

و قال أبو حنيفة : العاصم المقوِّم لهما هو الدار و المؤثم هو الإسلام [571] ، [5/ب] و تفسير ذلك أن من أسلم و لم يهاجر حتى قُتل فإنه تجب فيه الكفارة عنده دون الدية و القَوَد [572] ، و لو هاجر لوجبت الكفارة و الدية على عاقلته .

قيل : فعلى هذا دمه محقون عند مالك و الشافعي ، و قتله خطأ لا دية فيه عند أبي حنيفة و إنما فيه الكفارة خاصة ، و هو الظاهر من قول المفسرين [573] ، و احتجوا في ذلك بقوله تعالى : { و الَّذِينَ آمَنُواْ و لَمْ يُهَاجِرُواْ مَا لَكُم مِّن و لاَيَتِهِم مِّن شَيْءٍ حَتَّى يُهَاجِرُواْ } [الأنفال : 72] ، و بقوله تعالى : { فَإِن كَانَ مِن قَومٍ عَدُوٍّ لَّكُمْ و هُو مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُّؤْمِنَةٍ } [النساء : 92] ، و لم يذكر دية . قالوا : و المراد بهذا المؤمن إنما هو المسلم الذي لم يهاجر ؛ لأنه مؤمن في قوم أعداء [فهو] [574] منهم [575] ؛ لقوله تعالى : { و مَن يَتَولَّهُم مِّنكُمْ فَإِنَّهُ مِنْهُمْ } [المائدة : 51]

و الحال الثانية : أن يقتله عالماً بإسلامه ، فيلزم بقتله في دار الحرب ما كان لازماً له بقتله في دار الإسلام ، إن كان بعمدٍ محضٍ وجب عليه القود و الكفارة ، و إن كان بخطأ ، وجبت عليه الدية مخففة و الكفارة .

و لا فرق بين من دخل دار الحرب مسلماً أو أسلم فيها ، سواء هاجر أو لم يهاجر .

انظُر : الحاوي الكبير ، للماوردي : 18 / 243 ، و روضة الطالبين ، للنووي : 10 / 252 .

571 في الهداية ، للمرغيناني : العصمة المؤثمة هي الآدمية . و مذهب الحنفية : أنه إذا أسلم الحربي في دار الحرب فقتله مسلم عمداً أو خطأ ، و له ورثة مسلمون هناك ؛ فلا شيء عليه إلا الكفارة في الخطأ ، و لا ضمان على متلف ماله ، لأن دمه أعظم حرمة من ماله ، و لا ضمان على مُتْلِفِ نَفْسِهِ ؛ فمالُهُ أحرى .

انظُر : أحكام القرآن ، للجصاص : 1 / 241 – 243 ، و بدائع الصنائع ، للكاساني ، ص : 131 ، 132 ، و الهداية ، للمرغيناني : 2 / 852 .

572 القَوَد : القصاص ، من أقاد الأميرُ القاتلَ بالقتيل ، قَتَلَه به قَوَداً .

انظُر : المصباح المنير ، للفيومي ، ص : 198 ، و المعجم الوسيط : 2 / 795 .

573 قال بذلك ابن عباس و قتادة و السُدِّي و عكرمة و مجاهد و النخعي و جماعة من التابعين .

انظُر : أحكام القرآن ، للجصاص : 2 / 240 ، و أحكام القرآن ، لابن العربي : 1 / 476 ، و الجامع لأحكام القرآن ، للقرطبي : 5 / 323 ، 324 .

574 في (ر) : (فإنه) .

575 قال أبو بكر الجصاص : (هذا محمول على الذي يسلم في دار الحرب فيُقتَل قبلَ أن يُهاجِر إلينا ؛ لأنه غير جائز أن يكون مراده في المؤمن في دار الإسلام إذا قُتِلَ و له أقارب كفار ؛ لأنه لا خلاف بين المسلمين أن على قاتِله الدية لبيت المال ، و أن كَونَ أقربائه كفاراً لا يوجب سقوط ديته ؛ لأنهم بمنزلة الأموات ، حيث لا يرثونه) . أحكام القرآن ، للجصاص : 2 / 240 .

، فهو مؤمنٌ من قومٍ عدوٍّ ، فلما ذكر الدية في أول الآية [576] في المؤمن المطلَق ، و في آخرها في المؤمن الذي قومه تحت عهدنا و ميثاقنا و هم الذميون ، و سكت عنها في هذا المؤمن الذي بين الأعداء دلَّ على سقوطها ، و أنه إنما أوجب فيه الكفارة خاصةً ، هذا حكم دمه .

قال ابن العربي : و هذه المسألة خراسانية عِظَماً لم تبلغها المالكية و لا عرفتها الأئمةالعراقية [577] ، فكيف بالمقلدة المغربية ؟

احتج أصحاب أبي حنيفة على أن العاصم الدار ؛ [بأن] [578] التحرز و الاعتصام و الامتناع إنما يكون بالحصون و القلاع ، و أن الكافر إذا صار في دارنا عصم دمه و ماله ، فصار كالمال إذا كان مطروحاً على الطريق لم يلزم فيه قطع ، و إذا حُوِزَ [بحَوْزِه] [579] كان مضموناً بالقطع [580] .

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576 يريد الآية رقم (92) من سورة النساء ، و هي قوله تعالى : (و ما كان لمؤمن أن يقتل مؤمناً إلا خطأ و من قتل مؤمناً خطئاً فتحرير رقبة مؤمنة و دية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم و هو مؤمن فتحرير رقبة مؤمنة و إن كان من قوم بينكم و بينهم ميثاق فدية مسلمة إلى أهله و تحرير رقبة مؤمنة) .

577 لعل الونشريسي رحمه الله يشير إلى ما عرف عن الشافعية من عزو أقوال قد تكون متعارضة ، أو متناقضة إلى أئمتهم ، فيتعسر تحقيق القول فيها على أهل المذهب ، و هو أعسَر على الحنفية و الأئمة العراقية ، فأحرى أن يكون ذلك متعسراً على المالكية الذين لا يكاد يوجد لهم أثر في خراسان أو العراق .

قال أبو شامة المقدسي رحمه الله : (ثم إن المصنفين من أصحابنا المتصفين بالصفات المتقدمة من الاتكال على نصوص إمامهم معتمدون عليها اعتماد الأئمة قبلهم على الأصلين الكتاب و السنة قد وقع في مصنفاتهم خلل كثير من وجهين عظيمين ، الأول : إنهم يختلفون كثيرا فيما يلقونه من نصوص الشافعي ، و فيما يصححونه منها ، و صارت لهم طرق مختلفة خراسانية و عراقية ، فترى هؤلاء ينقلون عن إمامهم خلاف ما ينقله هؤلاء والمرجع في هذا كله إلى إمام واحد) . مختصر المؤمل ، لأبي شامة المقدسي ، ص : 47 ، 48 .

578 في (أ) ، و (ر) ، و (ح) : لأن .

579 في (أ) : (بحوزة) و هو أوجَه ؛ لأن مصدر (حاز) بمعنى مَلَك (حيازةً) و ليس (وُحوزاً) أما الحوزة ، فحَوْزة الرجل : ما في ملكه ، و حوزة الإسلام : حدوده و نواحيه ، و حوزة المُلك : بيضته .

انظُر : الصحاح ، للجوهري : 3 / 876 ، و المعجم الوسيط : 1 / 213 .

580 انظُر : في تقرير هذه المسألة عند الحنفية ، واستدلالهم عليها : أحكام القرآن ، للجصاص : 2 / 241 و ما بعدها ، و بدائع الصنائع ، للكاساني : 7 / 131 ، 132 ، و الهداية للمرغيناني : 2 / 852 .

و احتج الشافعي بقول النبي صلى الله عليه و سلم : (**أمِرتُ أن أقاتل الناس**) [581] الحديث ، فنص على أن العصمة للنفس و المال إنما تكون بكلمة الإسلام ، و لو أن مسلماً دخل إلى دار الحرب فإنه معصوم الدم و المال ؛ و الدار معدومة [582] .

و أما قول أصحابنا : (إن الإسلام عاصم النفس دون الولد و المال) ، و قول أصحاب أبي حنيفة : (إن التحرز و التعصم يكون بالقلاع) فكلام فاسد ، لأنه تعلق بالعصمة الحسية التي يكتسبها الكافر و المحارب و لا يعتبرها الشرع ، و إنما الكلام على ما يعتبره الشرع .

ألا ترى أن المحارب من المسلمين و [الكافر] [583] يتحصنان بالقلاع و دمهما و أموالهما مباحان ؛ أحدهما على الإطلاق [584] ، و الثاني [585] بشرط أن يستمر و لا يقلع ، و يتمادى و يتمنَّع [586] ، و لكن المال إنما يمنعه إحراز صاحبه له بكونه معه في حرز .

قلتُ : بقول الشافعي قال أشهب [587] و سحنون [588] ، وهو اختيار أبي بكر بن العربي

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581 تقدم تخريجه تقريباً .

582 انظُر : في تقرير هذه المسألة عند الشافعية ، و استدلالهم عليها : الحاوي الكبير ، للماوردي : 18 / 244 ، و أحكام القرآن ، للجصاص : 2 / 241 ، و أحكام القرآن ، لابن العربي : 1 / 477 .

583 في (ر) : (الكافرين) .

584 و هو الكافر .

585 وهو المحارب المسلم .

586 في (أ) : (يتمنح) ، و في (م) : (يمتنع) .

587 انظُر : الذخيرة ، للقرافي : 3 / 439 .

588 هو عبد السلام بن سعيد بن حبيب التنوخي ، الملقب بـــ (سحنون) القاضي ، الفقيه المالكي المشهور ، انتهت إليه رئاسة العلم في المغرب ، ولد في القيروان سنة (160 هــ) ، و عاش فيها إلى أن مات (سنة 240 هــ) مع أنَّ أصله من حمص الشام ، كان زاهداً عفيفاً أبيَّ النفس ، لا يهاب ذا سلطان في كلمة حق ، و كان يقول : قبَّح الله الفقر ، أدركنا مالكاً و قرأنا على ابن القاسم ــ يريد أن الفقر حبسه عن الرحلة إلى المدينة ليقرأ على مالك ــ ، روى (المدونة) في فروع المالكية على عبد الرحمن بن القاسم ، عن الإمام مالك .

انظُر : رياض النفوس في طبقات علماء القيروان و إفريقية و زهادهم و عبّادهم ونسّاكهم ، لأبي محمد بن عبد الله المالكي : 1 / 249 و ما بعدها ، ترجمة رقم (126) ، و وفيات الأعيان ، لابن خلكان : 3 / 180 و ما بعدها ، ترجمة رقم (382) ، و الديباج المذهب ، لابن فرحون :2 / 30 و ما بعدها .

حسبما تضمنه كلامه الآن [589] .

و بقول مالك قال أبو حنيفة و أصبغ بن الفرج [590] ، و اختاره ابن رشد [591] ، و هو المشهور عن مالك رحمه الله [592] .

و منشأ الخلاف ما مرَّ تقريره .

و أجرى الفقيه القاضي الشهير أبو عبد الله بن الحاج [593] [6/أ] و غيره من المتأخرين مالَ هذا المسلم المسئول عنه المقيم بدار الحرب و لم يبرح عنها بعد استيلاء الطاغية عليها ، على هذا الخلاف المتقدم بين علماء الأمصار في مال من أسلم و أقام بدار الحرب ، ثم فرق ابن الحاج بعد الإلحاق و التسوية في هذه الأحكام الملحقة بأن مال من أسلم كان مباحاً قبل إسلامه ، بخلاف مال المسلم ؛ لأن يده لم تزُل و لا تَقَدَّمَ له في وقت ما كفرٌ يبيح ماله و ولده يوماً للمسلمين ، فليس لأحدٍ عليهما من سبيل ، و هو راجح من القول و واضح من الاستدلال و النظر ، [و ظاهر] [594] عند التأمل لمنشأ الخلاف الذي تقدم بيانه على ما لا يخفى .

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589 سبق بيان رأي ابن العربي ، و التأكيد على موافقته لرأي الإمام الشافعي رحمهما الله .

590 هو أصبغ بن الفرج بن سعيد بن نافع ، من كبار فقهاء المالكية في مصر ، قال عبد الملك بن الماجشون : ما أخرجت مصر مثل أصبغ ، قيل له : و لا ابن القاسم ؟ قال : و لا ابن القاسم . و قال ابن معين : كان من أعلم خلق الله كلهم برأي مالك ، يعرفها مسألة بمسألة متى قالها مالك ، و من خالفه فيها . و قال العجلي عنه : ثقة صاحب سنّة . توفي سنة (225 هـ) ، من مؤلفاته : (الأصول) ، و (تفسير غريب الموطأ) ، و (آداب الصيام) .

انظُر : وفيات الأعيان ، لابن خلكان : 1 / 240 ، ترجمة رقم (101) ، و تهذيب التهذيب ، لابن حجر : 1 / 315 ، 316 ، ترجمة رقم (657) ، و الديباج المذهب ، لابن فرحون : 1 / 299 و ما بعدها ، و سير أعلام النبلاء : 10 / 656 و ما بعدها .

591 انظُر : البيان و التحصيل ، لابن رشد : 3 / 39 .

592 انظُر : الجامع لأحكام القرآن ، للقرطبي : 5 / 324 .

593 هو أبو عبد الله محمد بن أحمد بن خلف التجيبي ، المعروف بابن الحاج ، قاضي قرطبة ، كانت الفتوى تدور عليه في زمنه ، ولد (سنةَ 458 هـ) و قتل غيلةً و هو ساجد في جامع قرطبة (سنة 529 هـ) . له كتابٌ في نوازل الحكام .

انظُر : الأعلام ، للزركلي : 5 / 317 .

594 في (ر) : (واضح) .

و يعتضد هذا الفرق بنص آخر مسألة من سماع يحيى [595] من كتاب الجهاد ، و لفظه : (و سألته عمن تخلف من أهل برشلونة [596] من المسلمين عن الارتحال عنهم بعد السنة التي أُجِّلَت لهم يوم فُتِحَت في ارتحالهم ... فأغار على المسلمين ؛ تعوذاً مما يخاف من القتل إن ظُفِرَ به . فقال : ما أراه إلا بمنزلة المحارب الذي يتلصص بدار الإسلام من المسلمين ، و ذلك أنه مقيم على دين الإسلام ، فإن أصيب فأمره إلى الإمام يحكم فيه بمثل ما يحكم في أهل الفساد و الحرابة ، و أما ماله فلا أراه يحل لأحد أصابه) . انتهى محل الحاجة منه [597] .

ابن رشد [598] : قوله : (إنهم في [غاراتهم] [599] على المسلمين بمنزلة المحاربين) صحيح لا اختلاف فيه ؛ لأن المسلم إذا حارب فسواء [كانت] [600] حرابته في بلد الإسلام أو في بلد الكفر الحكم فيه سواء ، و أما قوله في ماله : (إنه لا يحل لأحد أصابه) فهو خلاف ظاهر

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595 هو أبو محمد يحيى بن يحيى بن أبي عيسى كثير بن وِسْلاس الليثي ، عالم الأندلس ، ولد سنة (152 هـ) ، و قرأ بقرطبة ، ثم ارتحل إلى المشرق شاباً فسمع الموطأ من الإمام مالك ، و أخذ عن علماء مكة و مصر ، و عاد إلى الأندلس فنشر فيها مذهب مالك ، و ترفع عن ولاية القضاء فزاد ذلك في جلالته ، و علا شأنه عند السلطان فكان لا يولي قاضٍ في أقطار الأندلس إلا بمشورته و اختياره . قال عنه مالك : هذا عاقِل أهل الأندلُس . توفي بقرطبة سنة (234 هـ) .

انظُر : نفح الطيب من غصن الأندلس الرطيب ، للمقري : 2 / 9 و ما بعدها ، و الديباج المذهب ، لابن فرحون : 2 / 352 ، 353 ، و تهذيب التهذيب ، لابن حجر : 11 / 262 ، ترجمة رقم (481) .

596 مدينة أندلسية شهيرة ، تقع جنوب الأندلس ، و تطل على البحر المتوسط .

597 هذا النص من كتاب (المستخرجة) لمحمد بن أحمد العتبي ، المتوفى سنة (255 هـ) ، و هو ضمن كتاب البيان و التحصيل و التوجيه و التعليل في مسائل المستخرجة لأبي الوليد ابن رشد : 1 / 41 ، 42 .

و العتبي سمع بالأندلس من يحيى بن يحيى الليثي تلميذ الإمام مالك ، و سعيد بن حسان راويَةَ أشهب ، و رحل إلى المشرق فسمع من سحنون ، و أصبغ بن الفرج تلميذَي ابن القاسم و ابن وهب و أشهب من أصحاب مالك ، و صنف كتابه (المستخرجة) من سماعات تلاميذ الإمام مالك منه و سماعات تلاميذهم منهم ، و توسع في الرواية فلم يستبعد المتروكة و الشاذة منها ، و تضاربت أقوال العلماء فيها ، فانتقدها البعض ، و قبلها الجِلّة بقبول حسن .

انظُر : مقدمة تحقيق البيان و التحصيل : 1 / 20 ، 21 ، و نفح الطيب ، للمقري : 2 / 215 ، 216 ، و الديباج المذهب ، لابن فرحون :2 / 176 ، 177 .

598 أي : قال ابن رشد في تعليقه على (المستخرجة) .

599 في (أ) ، و (م) : (غاراتهم) .

600 في (أ) : (أكانت) .

قول مالك في المدونة [601] في الذي يسلم في [دار] [602] الحرب ثم يغزو المسلمون تلك الديار فيصيبون أهله و ماله [و ولده] [603] إن ذلك كله فيء ؛ إذ لم يفرق فيها بين أن يكون الجيش غَنَمَ مالَه و ولده قبل خروجه [604] أو بعد خروجه . اهـــ [605] .

قلتُ : فظاهر كلام ابن رشد هذا يؤذن بترجيح خلاف ما رجحه معاصره و بَلَدِيُّهُ [606] القاضي أبو عبد الله بن الحاج في مال هؤلاء المسئول عنهم و أولادهم فتأمَّلْه .

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601 المدونة موسوعة أسئلة و أجوبة عن مسائل الفقه التي وردت للإمام مالك ، و رواها عبد السلام بن سعيد التنوخي الملقب بسحنون ، الذي جمعها و صنفها ، و رواها عن عبد الرحمن بن القاسم العتقي المتوفى سنه (191هـــ) عن الإمام مالك بن أنس ، و تنسب أحيانا إلى سحنون ، لأنه رواها ، فيقال : مدونة سحنون .

و المدونة تجمع آراء الإمام مالك بن أنس المروية عنه ، و المخرجة على أصوله ، و على آراء بعض أصحابه ، مع بعض الآثار و الأحاديث التي وردت في مسائل الفقه المالكي ، و يقال أن أصلها الأسدية التي ألفها أسد بن الفرات ، و راجعها على ابن القاسم ، فزاد فيها ، و عدل ، و غيَّ .

تحوي المدونة 6200 مسألة ، ومرتبة على أبواب الفقه ، وضمنها رواية الإمام مالك عن الصحابة والتابعين ، لذلك تعتبر أصح كتب الفروع في الفقه المالكي رواية .

طبعت المدونة عدة طبعات ، من أكثرها تداولاً طبعة دار الكتب العلمية دار الكتب العلمية ، في بيروت .

انظر : وفيات الأعيان ، لابن خلكان : 3 / 181 ، 182 ، و كشف الظنون ، لحاجي خليفة : 2 / 1644 ، و مقدمة تحقيق المدونه : 1 / 29 و ما بعدها .

602 ما بين المعكوفتَيْن ساقط مِن (ر) .

603 ما بين المعكوفتَيْن زيادة مِن (أ) ، و هي موجودة في البيان و التحصيل ، لابن رشد ، و يتطلّبها السياق .

604 أي : قبل خروجه من دار الحرب .

605 البيان و التحصيل ، لابن رشد : 3 / 42 .

تتمة : جاء في المدونة في الحربي يسلم ثم يغنم المسلمون ماله : قلت ـــ القول لسحنون ـــ : أرأيتَ إذا أسلم في بلاد الحرب رجل منهم ، ثم خرج إلينا و ترك ماله في دار الحرب ، فغزا المسلمون بلادهم فغنموهم و مالَ هذا المسلم ؟ قال ابن القاسم : سألت مالكاً عن الرجل من المشركين أسلم ثم غزا المسلمون تلك الدار فأصابوا أهله و ولده ؟ قال مالك : أهله و ولده فيء للمسلمين . اهـــ . من المدونة الكبرى : 3 / 38 ، 39 .

و قال القرافي في (الذخيرة) معقباً على قول ابن القاسم السابق : (قال ابن يونس : قال غيره ـــ أي غير ابن القاسم ـــ : ولده الصغير تبع له ، و ماله له إلا أن يقسم فيأخذ بالثمن ، و امرأته فيء . قال مالك : و لو أسلم فأقام ببلده فدخلنا عليه فماله و ولده فيء . و قال أشهب : ولده أحرار تبعٌ له ، و ماله له إلا أن يقسم ، و امرأته فيءٌ) . الذخيرة : 3 / 439 .

606 بَلَدِيُّهُ : ابن بلدته أو موطنه ، حيث إن البلديَّ : المنسوب إلى البلد في طبيعته و بيئته . انظُر : المعجم الوسيط : 1 / 71 .

و قال بعض المحققين من الشيوخ : يظهر أن الأحكام الملحقة بهم في الأنفس و الأولاد و الأموال جاريةٌ على المقيمين مع النصارى الحربيين على حسب ما تقرر من الخلاف و تمهد من الترجيح ، ثم إن حاربونا مع أوليائهم ترجحت حينئذٍ استباحة [دمائهم] [607] ، و إن أعانوهم بالمال على قتالنا ترجحت استباحة أموالهم ، و قد [ترَجَّحَ] [608] سبي ذراريهم للاستخلاص من أيديهم و [إنشائهم] [609] بين أظهر المسلمين آمنين من الفتنة في الدين ، معصومين من معصية ترك الهجرة .

و ما ذكر في السؤال من حصول الندم و التسخط لبعض المهاجرين من دار الحربيين إلى دار [الإسلام] [610] لما زعموه من ضيق [6/ب] المعاش و عدم الانتعاش – زعمٌ فاسدٌ ، و توهمٌ كاسدٌ ، في نظر الشريعة الغراء ، فلا يتوهم هذا المعنى و يعتبره و يجعله نصب عينيه إلا ضعيف اليقين ، بل عديم العقل و الدين ، و كيف يتخيل هذا المعنى يدلي به حجة في إسقاط الهجرة من دار الحرب ، و في بلاد الإسلام أعلى الله كلمته مجال رحب للقوي و الضعيف ، و الثقيل و الخفيف [611] ، و قد وسع الله البلاد فيستجير بها من أصابته هذه الصدمة الكفرانية و الصاعقة النصرانية ، في الدين و الأهل و الأولاد ؟! فقد هاجر من [جِلَّةِ] [612] الصحابة و أكابرهم رضوان الله عليهم إلى أرض الحبشة ؛ فراراً بدينهم من أذى المشركين أهلِ مكةَ –

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607 في (أ) ، و (م) : (أموالهم) ، و المثبَت أوجَه .

608 في (أ) ، و (ح) ، و (م) : (يرجح) .

609 في (ح) : (إنشابهم) .

610 في (أ) ، و (ح) ، و (ر) ، و (م) : (المسلمين) .

611 المراد بالخفيف و الثقيل كما يستفاد من تفسير قوله تعالى : { انْفِرُواْ خِفَافاً و ثِقَالاً } [التوبة : 1] : أي صغاراً و كباراً ، أو ضعافاً و أقوياء ، أو فقراء و أغنياء ، و نحو ذلك من المتضادات . انظر : تفسير ابن كثير : 2 / 560 .

612 في (أ) : (عِلية) ، و المعنى واحد ، و في (ر) : يقابل ما بين المعكوفتَيْن بياض .

جاء في المعجم الوسيط : 1 / 136 : جَلَّ يجِلُّ جلالاً و جلالةً : عَظُم ، فهو جَلٌّ ، و جليلٌ ، و الجمع : أجِلّةٌ ، و أجِلاء ، و أجلالٌ ، و جِلَّةٌ ، و في حديث الضحّاك : أخذتَ جِلّةَ أموالهم . اهـ .

و فيه أيضاً : 2 / 648 : عِلية : جمعُ عَلِيٍّ ، و العليُّ : هو الشريف الرفيع القدر . اهـ .

جماعةٌ عظيمةٌ ، و [رفقةٌ] [613] كريمةٌ ، منهم جعفر بن أبي طالب [614] ، و أبو [سلمة] [615] بن عبد الأسد [616] و عثمان بن عفان و أبو عبيدة بن الجراح [617] ، و حال أرض الحبشة ما قَد عُلِم ، و هاجر آخرون إلى غيرها ، و [هاجروا] [618] أوطانهم و أموالهم و أولادهم و آباءهم ، و نبذوهم و قاتلوهم و حاربوهم ؛ تمسكاً منهم بدينهم و رفضاً لدنياهم .

فكيف بِعَرَضٍ من أعراضها لا يُخِلُّ تركُه بتكسب بين أظهر المسلمين و لا يؤثر رفضه في متسع المسترزقين ، و لا سيما [بهذا] [619] القطر الديني المغربي صانه الله و زاده عزاً و

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613 في (ر) : (زمرة) .

614 هو جعفر بن أبي طالب بن عبد المطلب بن هاشم ، من كبار الصحابة و شجعانهم ، لُقّبَ بــ (جعفر الطيّار) ، و هو أخو أمير المؤمنين علي بن أبي طالب رضي الله عنه ، و كان أسنّ منه بعشر سنين ، أسلم قبل أن يدخل رسول الله صلى الله عليه و سلم دار الأرقم ، و هاجر إلى الحبشة الهجرةَ الثانية ، و لم يزل هناك حتى السنة السابعة للهجرة ، فهاجر إلى رسول الله صلى الله عليه و سلم و هو بخيبر . استشهد في غزوة مؤتة بالشام (سنة 8 هــ) . ذكر ابن حجر في الإصابة أن أبا هريرة رضي الله عنه كان يقول عن جعفر : إنه أفضل الناس بعد النبي ، و روى الشيخان من حديث البراء بن عازب رضي الله عنه أن النبي صلى الله عليه و سلم قال لجعفر : (أشبَهتَ خَلْقي و خُلُقي) .

انظر ترجمته في : أسد الغابة في معرفة الصحابة ، لابن الأثير : 1 / 386 و ما بعدها ، و الإصابة في تمييز الصحابة ، لابن حجر : 1 / 237 ، 238 ، ترجمة رقم (1166) .

615 في (م) : (مسلمة) ، و هو تصحيف .

616 هو أبو سلمة عبد الله بن عبد الأسد بن هلال المخزومي ، أحد السابقين الأولين إلى الإسلام . قال ابن إسحاق : أسلم بعد عشر أنفس ، و كان أخاً للنبي صلى الله عليه و سلم من الرضاعة كما ثبت في الصحيحين ، و أمه برّة بنت عبد المطلب عمّة رسول الله ، تزوج أمَّ سلمة ، ثم صارت بعده إلى النبي صلى الله عليه و سلم ، و هو مشهور بكنيته أكثر من اسمه ، هاجر الهجرتين ، و شهد بدراً ، مات بالمدينة بعد غزوة أحد رضي الله عنه و أرضاه .

انظُر ترجمَتَه في : أسد الغابة : 3 / 195 و ما بعدها ، و الإصابة : 2 / 335 ، ترجمة رقم (4783) .

617 هو أبو عبيدة عامر بن عبد الله بن الجراح القرشي ، أحد السابقين إلى الإسلام ، و العشرة المبشرين بالجنة ، ولد بمكة (سنة 40 قبل الهجرة) و شهد المشاهد كلها ، ولاه عمر قيادة الجيش الزاحف إلى الشام بعد خالد بن الوليد رضي الله عنهم أجمعين ، فأتم الله على يديه فتح الشام ، و بلغ الفرات شرقاً ، و آسيا الصغرى شمالاً ، و رتب للبلاد المرابطين و العمال ، توفي بطاعون عمواس (سنة 18 هــ) ، و انقرض عقِبُه . روى الشيخان أن رسول الله صلى الله عليه و سلم قال فيه : (لكل أمة أمين ، و أمين هذه الأمة أبو عبيدة بن الجراح) .

انظُر ترجمَتَه في : أسد الغابة : 3 / 84 و ما بعدها ، و الإصابة : 2 / 252 و ما بعدها ، ترجمة رقم (4400) .

618 في (أ) ، و (ح) ، و (ر) : (هجروا) .

619 في (أ) ، و (ر) : (هذا) .

شرفاً ، و وقاه من الأغيار و الأكدار وسطاً و طرفاً ؛ فإنه من أخصب أرض الله أرضاً ، و [أشيعها] [620] بلاداً طولاً و عرضاً ، و خصوصاً حاضرة [فاس] [621] و أنظارها ، و نواحيها من كل الجهات و أقطارها ؟!

و لئن سَلِمِ هذا الوهم ، و عَدِمَ صاحبُهُ و العياذ بالله العقل الراجح و الرأي الناجح و الفهم ، فقد أقام عَلَماً و برهاناً على نفسه الخسيسة الرذلة بترجيح [غرض] [622] دنياوي حُطامي مُحتقر ، على عمل ديني أخروي [مُذَّخَر] [623] ، و بئست هذه المفاضلة و الأرجحية ، و خاب و خسر من آثرها و وقع فيها .

أمَا عَلِمَ المغبون في صفقته ، النادم على هجرته من دار يُدَّعى فيها التثليث ، و تضرب فيها [النواقيس] [624] ، و يُعبَد فيها الشيطان ، و يُكفَر بالرحمن ، أن [ليس] [625] للإنسان إلا دينه ؛ إذ به نجاته الأبدية ، و سعادته الأخروية ، و عليه يبذل نفسه النفيسة ، فضلاً عن [حَجلة] [626] ماله .

قال الله تعالى : { يَا أَيُّهَا الَّذِينَ آمَنُوا لا تُلْهِكُمْ أَمْوالُكُمْ و لا أَولادُكُمْ عَن ذِكْرِ اللَّهِ و مَن يَفْعَلْ ذَلِكَ فَأُولَئِكَ هُمُ الْخَاسِرُونَ } [المنافقون : 9] ، و قال تعالى : { إِنَّمَا أَمْوالُكُمْ و أَولادُكُمْ فِتْنَةٌ و اللَّهُ عِندَهُ أَجْرٌ عَظِيمٌ } [التغابن : 15] .

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620 في (أ) ، و (ر) : (أشبعها) .

621 فاس : إحدى المدن المغربية الكبيرة و الشهيرة ، كانت تعرف بعاصمة القرويين ، و تعرف اليوم بالعاصمة العلمية للمملكة المغربية ، تقع فيها جامعة القرويين العريقة .

622 في (أ) ، و (ر) : (عَرَض) .

623 في (أ) ، و (ر) ، و (م) : (مدّخر) بالدال المهملة ، و سبق بيان أن كليهما صواب ، و أصلهما : مذتَخَر .

624 على هامش (ح) : (الفوانيس) .

625 ما بين المعكوفتَيْن ساقط مِن (ر) .

626 ما بين المعكوفتَيْن يقابله في (أ) ، و (ح) ، و (ر) : (جملة) ، و في (م) : (جِلّة) ، و لعل ما في الأصل مأخوذ من حَجَلَ مالَه ، أي : شَهَرَه ، يقال : أمرٌ أغرٌ محجّلٌ ، و يومٌ أغرٌ محجّلٌ ، أي : مشهورٌ .

انظُر : المعجم الوسيط : 1 / 163 ، 164 .

و أعظم فوائد المال و أجلها عند العقلاء إنفاقه في سبيل الله و ابتغاء مرضاته ، و كيف [يقتحم] [627] بالتشبث و يترامى و يتطارح ، أو يتسارع من أجله إلى موالاة العداة ، و قد قال تعالى : { فَتَرَى الَّذِينَ فِي قُلُوبِهِم مَّرَضٌ يُسَارِعُونَ فِيهِمْ يَقُولُونَ نَخْشَى أَن تُصِيبَنَا دَآئِرَةٌ } [الخ] [628] . [المائدة : 52] ، و الدائرة في هذه النازلة فوات [7/أ] التمسك بعقار المال [629] ، فوصف بمرض القلب ، و ضعف اليقين ، [و لو كان قوي الدين ، صحيح اليقين] [630] ، واثقاً بالله تعالى معتمداً عليه ، و [مستنداً] [631] ظهره إليه ، لما أهمل قاعدة التوكل على علو رتبتها ، و نمو ثمرتها ، و [شهادتها] [632] بصحة الإيمان و رسوخ اليقين .

و إذا تقرر هذا فلا رخصة لأحد ممن ذكرتَ في الرجوع ، و لا في عدم الهجرة بوجه و لا حال ، [و إنه] [633] لا يعذر مهما توصل إلى ذلك بمشقة فادحة أو حيلة دقيقة ، بل مهما وجد سبيلاً إلى التخلص من رِبْقة [634] الكفر ، و حيث لا يجد عشيرة تَذُبُّ عنه ، وحُمَاةً يحمون عليه ، و رضي بالمقام بمكان فيه الضيم على الدين ، و المنع من إظهار شعائر المسلمين – فهو مارق من الدين ، منخرط في سلك الملحدين .

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627 في (ر) : (يفتَح) .

628 ما بين المعكوفتَيْن ساقط مِن : (ر) ، و (ح) .

629 قال ابن كثير : (يقولون نخشى أن تصيبنا دائرة) أي : يتأولون في مودّتهم و موالاتهم أنهم يخشون أن يقع أمر من ظفر الكافرين بالمسلمين ، فتكون لهم أيادٍ عند اليهود و النصارى ؛ فينفعهم ذلك . اهـ . تفسير ابن كثير : 2 / 108 ، 109 .

و قال القرطبي : أي : يدور الدهر علينا ؛ إما بقحط فلا يميروننا و لا يُفْضِلون علينا ، و إما أن يظفَر اليهود بالمسلمين فلا يدوم الأمر لمحمد صلى الله عليه و سلم ، و هذا القول أشبه بالمعنى ، كأنه مِنْ دارَت تدور ، أي نخشى أن يدور الأمرُ ، و يدل عليه قوله عز و جل : (فعسى الله أن يأتي بالفتح) . اهـ . الجامع لأحكام القرآن : 6 / 217 .

630 ما بين المعكوفتَيْن ساقط مِن (ر) .

631 في (أ) ، و (ر) ، و (م) : (مسنِداً) .

632 في (أ) : (شاهدتها) .

633 في (ح) : (فإنه) .

634 الرِبق : حبْلٌ فيه عدّة عُرىً تُشدُّ به البَهمُ ، الواحدة من العُرى رِبقةٌ ، و يقال : خَلَع رِبقة الإسلام من عنقه ، و المراد : عقد الإسلام .

انظُر : المصباح المنير ، ص : 83 ، و الصحاح ، ص : 4 / 1480 ، و المعجم الوسيط : 1 / 337 .

و الواجب الفرار من دار غلب عليها أهل الشرك و الخسران ، إلى دار الأمن و [الإيمان] [635] ، و لذلك قوبلوا في الجواب عند الاعتذار بقوله : { أَلَمْ تَكُنْ أَرْضُ اللّهِ واسِعَةً } [إلخ] [636] . [النساء : 97] ، أي : حيثما توجه المهاجر ــ و إن كان ضعيفاً ــ [فإنه يجد] [637] الأرض واسعة و متصلة ، فلا عذر بوجهٍ لمستطيع و إن كان بمشقة في العمل أو في الحيلة أو في اكتساب الرزق أو ضيق [في] [638] المعيشة ، إلا المستضعف العاجز رأساً ، الذي لا يستطيع حيلةً و لا يهتدي سبيلاً .

و من بادر إلى الفرار ، و سارع في الانتقال من دار البوار إلى دار الأبرار ، فذلك أمارة ظاهرة في الحال العاجلة لما يصير إليه حاله في الآجلة ؛ لأن من يُسِّرَ له العمل الصالح كان مأمولاً له الظفر و الفوز ، و من تيسر له العمل الخبيث كان مَخُوفاً عليه الهلاك و الخسران ، جعلنا الله و إياكم ممن [يُسِّر] [639] لليسرى ، و انتفع بالذكرى .

و ما ذَكَرتَ عن هؤلاء المهاجرين من قبيح الكلام ، و سب دار الإسلام ، و تمني الرجوع إلى دار الشرك و الأصنام ... و غير ذلك من الفواحش المنكرة التي لا تصدر إلا من اللئام – يوجب لهم خزي الدنيا و الآخرة و ينزلهم أسوأ المنازل .

و الواجب على من مكَّنَه الله في الأرض و يسَّره لليسرى أن يقبض على هؤلاء و أن يرهقهم العقوبة الشديدة ، و التنكيل المُبَرِّحَ ضرباً و سَجناً ؛ حتى لا يتعدَّوْا حدود الله ؛ لأن فتنة هؤلاء [في الأمّة] [640] أشد ضرراً من فتنة الجوع و الخوف و نهب الأنفس و الأموال ، و ذلك

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635 في (ح) ، و (ر) ، و (م) : (الأمان) .
636 ما بين المعكوفتَيْن ساقط مِن (ح) ، (ر) .
637 في (أ) : (فإنه لا يجد) ، وهو خطأ .
638 ما بين المعكوفتَيْن ساقط مِن (م) .
639 في (أ) : (ييسَّر) .
640 ما بين المعكوفتَيْن ساقط مِن (أ) ، (م) .

أن من هلك هنالك [641] فإلى رحمة الله تعالى و كريم عفوه ، و من هلك دينه فإلى لعنة الله و عظيم سخطه .

فإن محبة الموالاة الشركية ، و المساكنة النصرانية ، و العَزْمَ على رفض الهجرة ، و الركون إلى الكفار و الرضى بدفع الجزية إليهم ، و نبذ العزة الإسلامية [7/ب] و الطاعة الإمامية ، و البيعة السلطانية ، و ظهور السلطان النصراني عليها ، و إذلاله [إياها] [642] – فواحش عظيمةٌ مهلكةٌ قاصمةٌ [للظهر] [643] ، يكاد أن تكون كفراً و العياذ بالله .

و أما جُرحة [644] المقيم و الراجع بعد الهجرة و المتمني [الرجوع] [645] ، و تأخيره عن المراتب الكمالية الدينية من قضاء و شهادة و [إمامة] [646] فمما لا خفاء فيه و لا امتراء ، ممن له أدنى مسكة من الفروع الاجتهادية ، و المسائل الفقهية ، و كما لا تقبل شهادتهم كذلك لا يقبل خطاب حكامهم [647] .

قال ابن عرفة رحمه الله [648] : (و شرط قبول [خطاب] [649] القاضي صحة ولايته ممن

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641 أي : من هلك بما تقدم من أسباب الهلاك مثل الجوع و الخوف و نهب الأنفس و الأموال ، و هو مستمسك بدينه ، مقيم لحدود الله .

642 في (أ) : (عليها) .

643 في (أ) ، و (ح) : (للظهور) .

644 الجُرْحة : ما تُجرَحُ به الشهادة ، كما تقدّم في أول الرسالة .

645 في (أ) ، و (ح) : (للرجوع) .

646 في (ر) : (أمانة) .

647 المراد بخطاب الحكام : حكم القضاة .

648 هو أبو عبد الله محمد بن محمد بن عرفة الورغميّ ــ نسبةً إلى (ورغمَّة) قرية بإفريقيّة ، إمام تونس و عالمها و خطيبها في زمنه ، و لد فيها (سنة 716 هــ) و تولي إمامة جامعها ، و قدم للخطابة فيه ، ثم للفتيا ، و جلس للتدريس حتى وفاته سنة (737 هــ) ، من مصنفاته : (المختصر الكبير) في فقه المالكية ، و (المختصر الشامل) في التوحيد ، و (الطرق الواضحة في عمل المناصحة) ، و (الحدود) في التعاريف الفقهية .

انظُر : الضوء اللامع لأهل القرن التاسع ، للسخاوي : 9 / 240 و ما بعدها ، ترجمة رقم (586) ، و الأعلام ، للزركلي : 7 / 43 .

تصح توليته بوجهٍ ؛ احترازاً من مخاطبة قضاة أهل الدجن [650] كقضاة مسلمي بلنسية [651] و طرطوشة [652] و [موصرة] [653] عندنا ، و نحو ذلك) . [انتهى] [654] .

و سئل الإمام أبو عبد الله المازَري رحمه الله [655] في زمانه عن أحكام [تأتي] [656] من

649 في (أ) : (خلاف) .

650 الدجَنُ : ظل الغمام ، و دجَنَ بالمكان دَجْناً و دُجُوناً : أقام به ، و أَلِفَهُ و لزِمَهُ ، و الداجِنُ : كلّ ما ألف البيوت و أقام فيها من حيوان و طيرٍ ، و الجمعُ : دواجِن ، و المراد بأهل الدجْن : المسلمون الذين أقاموا في ديار الكفر و ألفوها و لزموها .

انظُر : المصباح المنير ، ص : 72 ، و المعجم الوسيط : 1 / 281 .

651 تقع على ساحل البحر المتوسط عند مصب نهر الأبيض ، و تعتبر من عواصم الحضارة الإسلامية في الأندلس ، استولى عليها الفرنجة بقيادة الكمبيادور سنة (487 هـ) ، و استردها المرابطون منهم سنة (495 هـ) ، و أحرقها الإسبان عند خروجهم منها ، ثم استولى عليها الإسبان ثانية بقيادة جاك الأول ملك أراغون سنة (630 هـ) ، و بذلك نهائياً من أيدي المسلمين .

652 طرطوشة : هي آخر مدن المسلمين من شمالي الأندلس .

653 في (أ) ، و (ح) ، و (ر) : (قَوْصَرَة) ، و هو الصواب .

و قوصرة جزيرة في البحر المتوسط قبالة ساحل تونس على مقربة من مدينة (نابِل) ، كانت ملحقة بصقلية ، و فتحها المسلمون بعد فتح صقلية ، و دام حكمها في أيديهم حتى سقطت في أيدي النورمان خلال النصف الأول من القرن الرابع الهجري ، و ظل المسلمون يعيشون فيها أربعة قرون بعد خروجها من سلطة المسلمين .

انظر : قضايا ثقافية من تاريخ الغرب الإسلامي ، لعبد المجيد زكي ، ص : 68 ، 69 .

654 ما بين المعكوفتَيْن ساقط مِن (ر) .

و انظر كلام ابن عرفة رحمه الله في : التاج و الإكليل ، لمحمد بن يوسف بن أبي القاسم العبدري : 6 / 143 .

655 هو الإمام أبو عبد الله محمد بن علي بن عمر التميمي المازَري ، ولد سنة (453 هـ) ، و من المحتمل أن يكون مولده في إفريقية ، حيث هاجر إليها أبوه ، و نسبته إلى (مازَر) ، أو (مازَرة) من نواحي صقلّية ، من فقهاء المالكية المشاهير ، عرف بحفظ الحديث ، و كان آخر المشتغلين من شيوخ أفريقية بتحقيق الفقه ، بلَغ رتبة الاجتهاد و عُرِفَ بدقة النظر ، و أخذ عن اللخمي و أبي محمد بن عبد الحميد السوسي و غيرهما من شيوخ أفريقية ، و درس أصول الفقه و الدين و تقدم في ذلك فجاء سابقاً لم يكن في عصره للمالكية في أقطار الأرض في وقته أفقه منه و لا أقوم لمذهبهم ، أخذ عنه خلقٌ كثيرٌ منهم ، و ممن أجازَهُم القاضي أبو الفضل عياض رحمه الله ، و توفي بالمهدية (بإفريقية) سنة (536 هـ) ، من مصنفاته : (المُعلِم بفوائد مسلم) ، و (التلقين) في الفروع ، و (الكشف و الإنباء) في الرد على الإحياء للغزالي .

انظُر : وفيات الأعيان : 4 /285 ، ترجمة رقم (617) ، و الديباج المذهب ، لابن فرحون : 2 / 250 ، و الديباج المذهب و الأعلام للزركلي : 6 / 277 ، و الإمام المازري ، لحسن حسني عبد الوهاب ، ص : 49 ، 50 .

656 ما بين المعكوفتَيْن ساقط من (أ) ، و (ح) ، و (م) .

صقلية من عند قاضيها [و شهودها] [657] عدول [658] ، هل يقبل ذلك منهم أم لا ؟ مع أنها ضرورة ، و لا تدرى إقامتهم هناك تحت أهل الكفر هل هي [اضطراراً أو اختياراً] [659] ؟

فأجاب : القادح في هذا وجهان : الأول : يشتمل على القاضي و بيناته من ناحية العدالة ، فلا يباح المقام في دار الحرب في قياد أهل الكفر [و ذلك لا يباح] [660] . و الثاني : من ناحية الولاية ؛ إذ القاضي مُولًّى من قبل أهل الكفر .

و الأول له قاعدة يعتمد عليها [شرعاً] [661] [في هذه المسألة و شبهها] [662] ، و هي تحسين الظن بالمسلمين و مباعدة المعاصي عنهم [663] ، فلا يُعْدَل عنها لظنون [قد تكون] [664] كاذبة (و توهمات واهية ، كتجويز من ظاهره العدالة) [665] ، و قد يجوز في الخفاء ، و في نفس الأمر [قد] [666] ارتكب كبيرة إلا من قام الدليل على عصمته . و هذا التجويز (مُطَّرَح) [667] ، و الحكم للظاهر ؛ إذ هو (الراجح) [668] ، إلا أن يظهر من المخايل [669] ما (يوجب

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657 في (أ) ، و (ر) ، و (م) : (أو شهود) .

658 خخ (و شهادة عدولها) .

659 في (أ) : (اضطرار أو اختيار) .

660 ما بين المعكوفتين زيادة من النص الأصلي لفتوى المازري .

661 ما بين المعكوفتين زيادة من النص الأصلي لفتوى المازري .

662 ما بين المعكوفتين غير موجود في النص الأصلي لفتوى المازري .

663 في (ر) : (عنها) .

664 ما بين المعكوفتين زيادة من النص الأصلي لفتوى المازري .

665 في النص الأصلي لفتوى المازري : (و مثاله حكمنا بظاهر العدالة) .

666 في (أ) ، و (ح) ، و (ر) ، و (م) : (أن يكون) ، و هو كذلك عند المازري .

667 في النص الأصلي لفتوى المازري : (مطروح) .

668 في النص الأصلي لفتوى المازري : (الأصل) .

669 المَخايل : جمع مَخِيلة ، و من معانيها : الظن ، يقال : أخطأتُ فيه مَخِيْلَتي ، و يقال : ظهرَت فيه مخايل النجابة ، أي دلائلها و مَظَنَّها .

انظُر : المصباح المنير ، ص : 71 ، و المعجم الوسيط : 1 / 152 .

الخروج عن العدالة) [670] ، فيجب التوقف حينئذ حتى يظهر ما (يوجب) [671] زوال موجب راجحية العدالة ، و يبقى الحكم [الظاهر] [672] لغلبة الظن بعد ذلك ، و الحكم هو مستفاد من قرائن محصورة فيعمل عليها ، و قرائن العدالة مأخوذة من أمر [مطلق فتلغى] [673] .

و قد أمليت من هذا طرفاً في شرح [البرهان] [674] ، و ذكرت طريقة أبي المعالي [675] و [طريقتي] [676] لما تكلمنا فيما جرى بين الصحابة من الوقائع و الفتن ، رضي الله عنهم أجمعين .

و هذا المقيم ببلد الحرب إن كان اضطراراً فلا شك أنه لا يقدح في عدالته ، و كذا إن كان [اختياراً جاهلاً بالحكم أو معتقداً للجواز ؛ إذ لا يجب عليه أن يَعلَمَ هذا الطرف من العلم وجوباً

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670 في النص الأصلي لفتوى المازري : (ما يخرج عن الأصل) .

671 في النص الأصلي لفتوى المازري : (يوضح) . و ما بعد هذه اللفظة حتى نهاية قوله : (رضي الله عنهم أجمعين) غير موجود في النص الأصلي لفتوى المازري .

672 ما بين المعكوفتَيْن ساقط من (ح) ، و (ر) ، و (م) .

673 في (أ) : (مطلق سلفي متلقى) ، و في (ر) : (مطلَق متلقّى) ، و العبارة مُشْكِلَةٌ .

674 في (م) : (القرآن) ، و المقصود كتاب (إيضاح المحصول من برهان الأصول) ، و هو شرح لكتاب أبي المعالي الجويني الشافعي (البرهان) في أصول الفقه .

انظُر : وفيات الأعيان : 4 / 285 ، و الأعلام : 6 / 277 ، و الإمام المازري ، للدكتور حسن حسني عبد الوهاب ، ص : 62 .

675 أبو المعالي الجويني ، هو : إمام الحرمين ، عبد الملك بن عبد الله بن يوسف ، الطائي ، السنبسي ، الجويني ثم النيسابوري ، ضياء الدين ، الإمام الكبير ، شيخ الشافعية ، صاحب التصانيف ، ولد سنة 419 هـ / 1028 م . اشتغل بعلم الكلام ، و وقعت منه هفوات ، نفي بسببها ، فجاور بمكة و تعبد و تاب منها ، و رجع إلى مذهب السلف في الصفات و أقره ، و قال : (لو استقبلت من أمري ما استدبرت ما اشتغلت بعلم الكلام) ، من كتبه : (نهاية المطلب في دراية المذهب) في الفقه الشافعي ، و (الشامل) ، و (الإرشاد) في أصول الدين ، و (البرهان) في أصول الفقه ، و هو الذي شرحه المازري في (إيضاح المحصول) ، توفي سنة 448 هـ / 1056 م .

انظر ترجمته في : ذيل تاريخ بغداد لابن النجار ص 85 – 95 ، وفيات الأعيان 3 / 167 – 170 ، الطبقات الكبرى للسبكي 5 / 165 – 222 ، سير أعلام النبلاء 18 / 468 ، العقد الثمين 5 / 507 .

676 في (أ) ، و (ح) ، و (ر) ، و (م) : (طريقتي) .

يقدح تركه في عدالته ، و كذا إن كان متأولاً و] [677] تأويله صحيحاً [مثل إقامته ببلد أهل الحرب] [678] لرجاء هداية [أهل] [679] [الحرب] [680] أو نقلهم عن ضلالةٍ ما ، و أشار إليه الباقلاني [681] ، [كما] [682] أشار أصحاب مالك في جواز الدخول لفكاك الأسير [683] . [و] [684] [و كذا إن كان تأويله خطأ و وجوهه لا تنحصر ، كما أن الشُّبَه عند الأصوليين لا تنحصر ، و ربّما كان خطأ عند عالم و صواباً عند آخَر ، على القول بأن المصيب واحد و الآخر معذور] [685] أما لو أقام بحكم [الجاهلية] [686] و الإعراض عن التأويل اختياراً فهذا يقدح في عدالته ، و اختلف [8/أ] المذهب في رد شهادة [الداخل] [687] اختياراً لتجارة ، و اختلف في تأويل المدونة [فيها] [688] أشد [اختلاف] [689] ، فمن ظهرت عدالته منهم و شُكَّ في إقامته [على أي وجه] [690] ، فالأصل عذره ؛ لأن جل الاحتمالات السابقة تشهد لعذره ، فلا تُرَدُّ لاحتمال واحدٍ ، إلا أن

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677 ما بين المعكوفتين زيادة من النص الأصلي لفتوى المازري .

678 في النص الأصلي لفتوى المازري : (كإقامته بدار الحرب لرجاء افتكاكها ، و إرجاعها للإسلام) .

679 ما بين المعكوفتَيْن ساقط مِن (ر) .

680 في النص الأصلي لفتوى المازري : (الكفر) .

681 أبو بكر الباقلاني ، هو : محمد بن الطيب بن جعفر بن قاسم ، البصري البغدادي ، المالكي القاضي المتكلم ، الإمام الثقة ، صاحب التصانيف ، صنف في الرد على الرافضة و المعتزلة و الخوارج و غيرهم ، قابله الدارقطني يوماً فقال : (هذا يرد على أهل الأهواء باطلهم) ، و دعا له بخير ، كان يضرب به المثل بفهمـــه و ذكائه ، من تصانيفه : (دقائق الحقائق) في علم الكلام ، و (إعجاز القرآن) و (التمهيد) في أصول الفقه . ولد سنة 338 هــ / 950 م ، و توفي سنة 403 هــ / 1013 م .

انظر ترجمته في : تاريخ بغداد 5 / 379 – 383 ، و ترتيب المدارك 4 / 585 – 602 ، و وفيات الأعيان 4 / 269 ، ترجمة رقم (608) و سير أعلام النبلاء 17 / 190 ، و البداية و النهاية 11 / 446 ، 447 .

682 في (أ) ، و (ح) ، و (ر) : (و كما) بزيادة واو .

683 انظُر : الذخيرة ، للقرافي : 3 / 389 .

684 الواو ساقطة مِن (ر) ، (م) .

685 ما بين المعكوفتين زيادة من النص الأصلي لفتوى المازري .

686 في النص الأصلي لفتوى المازري : (الجهالة) ، و هو المناسب للسياق .

687 ما بين المعكوفتَيْن ساقط من الأصل .

688 في (م) : منها .

689 ما بين المعكوفتين زيادة من النص الأصلي لفتوى المازري .

690 ما بين المعكوفتين غير موجود في النص الأصلي لفتوى المازري .

تكون قرائن تشهد أن إقامته كانت اختياراً لا لوجه .

و أما [الوجه] [691] الثاني – و هو تولية الكافر للقضاة [و العدول] [692] و الأُمَناء و غيرهم لحجز الناس بعضهم عن بعض – فواجبٌ حتى ادعى بعض أهل المذهب أنه واجب عقلاً ، [و قد أقام في المدوَّنة شيوخَ الموضِع مقامَ السلطان عند فقده ؛ خوف فوات القضيَّة ، و إن كان باطلاً] [693] [تولية] [694] الكافر لهذا القاضي [العدل] [695] . [أما بطلب الرعية له و إقامته لهم للضرورة لذلك] [696] ، فلا يقدح في حكمه و [تنفيذ] [697] أحكامه كما لو [كان] [698] ولاه سلطان مسلم [699].

و في كتاب [الأيمان] [700] في مسألة الحالف : [ليقضينك حقك] [701] إلى أجل أقامَ شيوخَ المكان مقامَ السلطان عند فقده ؛ لما يخاف من فوات القضية [702] ، وعن مُطَرِّف [703] و ابن

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691 ما بين المعكوفتَيْن ساقط مِن (م) .

692 ما بين المعكوفتين غير موجود في النص الأصلي لفتوى المازري .

693 ما بين المعكوفتين زيادة من النص الأصلي لفتوى المازري .

694 في النص الأصلي لفتوى المازري : (فتولية) .

695 ما بين المعكوفتين زيادة من النص الأصلي لفتوى المازري .

696 في النص الأصلي لفتوى المازري : (إما لضرورة إلى ذلك أو لطلب من الرعية) .

697 في النص الأصلي لفتوى المازري : (تنفذ) .

698 ما بين المعكوفتَيْن ساقط مِن (ر) .

699 هذه نهاية فتوى المازري ، و في نصها الأصلي زيادة (و الله الهادي لسواء السبيل) .

700 في (أ) ، و (م) : (الأمان) ، و هو خطأ .

701 في (ر) : (ليقضينَ فلاناً حقّه) ، و هو أقرب إلى ما في المصدر المنقول عنه .

702 جاء في المدونة : (قلتُ – القائل سحنون – : أرأيتَ إن حلف لأقضينَّ فلاناً حقّه رأس الشهر ، فغاب فلانٌ عنه ؟ قال ــ أي ابن القاسم ــ : قال مالك : يقضي وكيلَه أو السلطانَ ، فيكون ذلك مخرجاً له من يمينه .... و ربّما أتى السلطانَ فلم يجده ، أو تحجّبَ ــ أي السلطان ــ عنه ، أو يكون بقرية ليس فيها سلطان ، فإن خرج إلى السلطان سبقه ذلك الأجل ، قال مالك : فإذا جاء ــ أي وقع ــ مثل هذا فأرى إن كان أمراً بيِّناً يُعذر به ، فأتى بذهبه إلى رجال عدول فأشهدهم على ذلك ، و التَمَسَه و اجتهد في طلبه فلم يجده ، تغيب عنه أو غاب عنه أو سافر عنه و قد بَعُدَ عنه السلطان أو حجب عنه ، فإذا شهد له الشهود على حقّه أنه جاء به بعينه على شرطه لم أرَ عليه شيءٌ) . المدونة الكبرى : 3 / 261 .

الماجشون [704] في من خرج على الإمام و غلب على بلد فولى قاضياً عدلاً فأحكامه نافذة . انتهى .

قلتُ : و أفتى شيوخ الأندلس فيمن كان في ولاية الثائر المارق عمر بن حفصون [705] أنه لا تجوز شهادتهم و لا قبول خطاب قضاتهم ، و اختُلِف في قبول ولاية القضاء من الأمير غير العدل ، ففي رياض النفوس في طبقات علماء إفريقيا [لأبي محمد عبد الله] [706] المالكي [707] :

و قال الشيخ أحمد بن محمد الصاوي المالكي : (لو غاب من له الدين برَّ الحالف الذي عليه الدين بدفعٍ لوكيل التقاضي أو التفويض ، فإن لم يكن وكيل للتقاضي أو التفويض فالحاكم ، فإن لم يكن حاكم فوكيل ضيعةٍ . و قيل : هو مع الحاكم في الرتبة ، فإن لم يكن أحد ممن ذكر فجماعة المسلمين ، يُشهِدُهُم على إحضار الحق و عَدَدِه و وزنِه و صفته ، و أنّه اجتهد في الطلب فلم يجده ، ثم يترك المال عند عدلٍ منهم أو يبقيه عند نفسه حتى يأتي ربُّه ، و لا يبرُّ بلا إشهاد) . بلغة السالك لأقرب المسالك إلى مذهب مالك : 1 / 345 .

703 هو أبو مصعب مطرِّف بن عبد الله بن مطرِّف ، ابن أخت الإمام مالك ، و أحد الرواة عنه ، ولد سنة (137 هـ) و مات سنة (214 هـ) . قال ابن سعد : كان ثقةً و به صَمَمٌ ، و ذكره ابن حبّان في الثقاة .

انظُر ترجمَتَه في : تهذيب التهذيب ، لابن حجر : 10 / 158 ، 159 ، ترجمة رقم (329) ، و الديباج المذهب ، لابن فرحون :2 / 340 .

704 هو أبو مروان عبد الملك بن عبد العزيز بن عبد الله ، ابن الماجشون ، فقيه مالكي تفقّه على مالك ، دارت عليه الفتيا في زمنه ، كما دارت على أبيه من قبله ، أضرَّ في آخر عمره ، قيل عنه : (كان عبد الملك بحراً لا تدركه الدلاء) ، و قال يحيى بن أحمد بن المعذِّل : (كلّما تذكّرت أن التراب يأكل لسان عبد الملك صغُرَت الدنيا في عيني) .

انظُر ترجمَتَه في : وفيات الأعيان : 3 / 166 ، 167 ، ترجمة رقم (377) ، و تهذيب التهذيب : 6 / 361 ، 361 ، ترجمة رقم (760) ، و الديباج المذهب ، لابن فرحون :2 / 6 و ما بعدها .

705 قال ابن خلدون في مقدمته : [2 / 96] : هو عمر بن حفصون بن عمر بن جعفر بن دميان بن فرغلوش بن أذفونش القس هكذا نسبه ابن حيان أول ثائر كان بالأندلس وهو الذي افتتح الخلاف بها وفارق الجماعة أيام محمد بن عبد الرحمن في سني السبعين و المائتين. خرج بجبل يشتر من ناحية رية و مالقة و انضم إليه الكثير من جند الأندلس ممن في قلبه مرض في الطاعة ، و ابتنى قلعته المعروفة به هنالك ، و استولى على غرب الأندلس إلى رندة ، و على السواحل من الثجة إلى البيرة ... هلك سنة ست و ثلاثمائة لسبع و ثلاثين سنة من ثورته . اهـ .

706 في (م) : (لأبي محمد بن عبد الله) .

707 مؤرخ من أهل القيروان بقي فيها مدّةً بعد خرابها سنة (449 هـ) ، و كانت وفاته بعد سنة (453 هـ) ، و قد اختلف في اسمه و كنيته ، فكنيته في كشف الظنون و الأعلام و دراسة الدكتور حسين مؤنس بين يدي تحقيقه لرياض النفوس : أبو بكر ، خلافاً لما في جميع نسخ (أسنى المتاجر) من تكنيته بأبي محمد .

قال سحنون : اختلف أبو محمد عبد الله بن فروخ [708] و ابن غانم قاضي إفريقية و هما من رواة مالك رضي الله عنه ، فقال ابن فروخ : لا ينبغي لقاضٍ إذا ولاه أمير غير عَدلٍ أن يلي القضاء ، و قال ابن غانم : يجوز أن يليَ و إن كان الأمير غير عدلٍ ، فكُتِبَ بها إلى مالك ، فقال مالك : أصاب الفارسي ، يعني ابن فروخ ، و أخطأ الذي يزعم أنه عربي ، يعني ابن غانم [709] . انتهى [710] .

و قال ابن عرفة : لم يجعلوا قبوله الولايةَ للمتغلب المخالف للإمام جُرْحَةً ؛ لخوف تعطيل

و اسمه في كشف الظنون و الأعلام : عبد الله بن محمد بن عبد الله ، خلافاً لما انتهى إليه حسين مؤنس من أنه : عبد الله بن عبد الله .

و كتابه (رياض النفوس في طبقات علماء القيروان و إفريقيّة زهادهم و عبّادهم و نسّاكهم و سيَرٌ من أخبارهم و فضائلهم و أوصافهم) في جزأين : الأول يتناول فتح العرب لإفريقيّة بالتفصيل ، ثم يترجم لعلماء إفريقية و فقهائها طبقةً طبقةً ، حتى يصل إلى نهاية الطبقة الخامسة التي تنتهي سنة (300 هـ) . و يتناول الثاني تراجم العلماء بين سنتي (300 هـ) و (356 هـ) ، و يبدو أن النسختين المعتمد عليهما في إخراج الكتاب ناقصتان .

انظُر ترجمَتَه في : كشف الظنون : 1 / 938 ، و الأعلام : 4 / 121 ، 122 ، و مقدمة رياض النفوس ، للدكتور حسين مؤنس : 1 / 28 و ما بعدها .

708 هو أبو محمد عبد الله بن فرّوخ الفارسي ، من الفقهاء العلماء بالحديث من أهل إفريقيّة ، ولد سنة (115 هـ) ، رحل في طلب العلم ، و لقي بالمشرق مالكاً و الثوري و أبا حنيفة و ابن جُرَيج و غيرهم ، و كان يكاتب مالكاً و يكاتبه مالكٌ بجواب مسائله . عُرِض عليه القضاء فأبى ، توفي بمصر في طريق عودته من رحلة الحج سنة (176 هـ) و دفن بسفح المقطَّم ، له (ديوانٌ) يعرف باسمه ، جمع فيه مسموعاته و سؤالاته للإمامين أبي حنيفة و مالك ، و كتابٌ في (الرد على أهل البدع و الأهواء) .

انظُر : رياض النفوس ، للمالكي : 1 / 113 و ما بعدها ، ترجمة رقم (77) ، و تهذيب التهذيب : 5 / 311 ، 312 ، ترجمة رقم (612) ، و الأعلام : 4 / 112 .

709 هو أبو عبد الرحمن بن عمر بن غانم بن شرحبيل الرعيني ، قاضٍ فقيهٍ وَرِعٍ من أهل إفريقيّة ، ولد سنة (128 هـ) و رحل إلى الشام و العراق طلباً للعلم ، ولاه هارون الرشيد قضاء إفريقيَّة سنة (171 هـ) ، فولّيَه حتى وفاته بالقيروان سنة (190 هـ) ، جمع ما سمعه من الإمام مالك في ديوانٍ سُميَ باسمه .

انظُر ترجمَتَه في : رياض النفوس : 1 / 143 و ما بعدها ، ترجمة رقم (87) ، و تهذيب التهذيب : 5 / 289 ، 290 ، ترجمة رقم (567) ، و الأعلام : 4 / 109 .

710 رياض النفوس ، للمالكي : 1 / 114 ، و هذا النص موجود أيضاً بنصه في : تبصرة الحكام في أصول الأقضية ومناهج الأحكام ، لابن فرحون المدني .

الأحكام . انتهى [711] .

هذا ما يتعلق بهم من الأحكام [الدنياوية] [712] ، و أما [الأخراوية] [713] المتعلقة بمن قطع عمره و أفنى شيبه و شبابه في مساكنتهم و [توليتهم] [714] و لم يهاجر ، أو هاجر ثم راجع وطن الكفر و أصر على ارتكاب [هذه] [715] المعصية الكبيرة إلى حين وفاته و العياذ بالله ، فالذي عليه السنة و جمهور [الأئمة] [716] أنهم معاقبون بالعذاب الشديد ، إلا أنهم غير مخلدين في العذاب ؛ بناء على مذهبهم الحق في انقطاع عذاب أهل الكبائر ، و تخليصهم بشفاعة سيدنا و [نبينا و مولانا] [717] محمد صلى الله عليه و سلم المصطفى المختار ، حسبما وردت به صحاح الأخبار [718] .

و الدليل على ذلك قوله عز و جل : { إِنَّ اللّهَ لاَ يَغْفِرُ أَن يُشْرَكَ بِهِ و يَغْفِرُ مَا دُونَ ذَلِكَ [8/ب] لِمَن يَشَاءُ } [النساء : 48] .

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711 انظر كلام ابن عرفة في : التاج و الإكليل ، لحمد بن يوسف بن أبي القاسم العبدري : 6 / 143 ، و المقصود في كلام ابن عرفة هو : قبول القاضي العدل لولاية القضاء .

712 في (م) : (الدنيوية) ، و كلاهما صحيح .

713 في (م) : (الأخروية) .

714 في (أ) ، و (ر) : (توليهم) .

715 ما بين المعكوفتَيْن ساقط مِن (م) .

716 في (ر) : (العلماء) .

717 في (ر) : (مولانا ونبينا) .

718 وردت في ذلك أحاديث كثيرة ، منها : حديث الشفاعة المشهور الذي فيه : يأتي الناس يوم القيامة يتشفّعون بالأنبياء إلى أن ينتهوا إلى النبي صلى الله عليه و سلم فيقول : (أنا لها) الحديث . رواه البخاري : 8 / 10 في كتاب التفسير ، باب قول الله (و علّم آدم الأسماء كلها) ، حديث رقم (4476) ، و مسلم في كتاب الإيمان ، باب أدنى أهل الجنة منزلةً فيها ، حديث رقم (193) عن أنس بن مالك رضي الله عنه .

و منها ما رواه الترمذي : 4 / 625 في كتاب صفة القيامة ، برقم (2435) هم أنس أيضاً أن رسول الله صلى الله عليه و سلم قال : (شفاعتي لأهل الكبائر من أمّتي) .

و قوله : { قُلْ يَا عِبَادِيَ الَّذِينَ أَسْرَفُوا عَلَى أَنفُسِهِمْ لا تَقْنَطُوا مِن رَّحْمَةِ اللَّهِ] [719] إِنَّ اللَّهَ يَغْفِرُ الذُّنُوبَ جَمِيعاً إِنَّهُ هُو الْغَفُورُ الرَّحِيمُ } [الزمر : 53] .

و قوله : { و إِنَّ رَبَّكَ لَذُو مَغْفِرَةٍ لِّلنَّاسِ عَلَى ظُلْمِهِمْ } [الرعد : 6] .

إلا أن قوله تعالى : { و مَن يَتَولَّهُم مِّنكُمْ فَإِنَّهُ مِنْهُمْ } [المائدة : 51] ، و قوله عليه السلام : (**أنا بريء من كل مسلم يقيم بين أظهر المشركين**) [720] ، و قوله عليه السلام : (**من [721] ساكنهم أو جامعهم فهو منهم**) [722] شديد جداً عليهم .

و ما ذكرتم عن سخيف العقل و الدين من قوله : (إلى ها هنا يهاجَر ؟) في قالب الازدراء و التهكم . و قول السفيه الآخر : (إن جاز صاحب قشتالة إلى هذه النواحي نسير إليه . [إلخ] [723] كلامه البشيع و لفظه الشنيع – لا يخفى على سيادتكم ما في كلام كل واحد منهما من السماجة في التعبير ، كما لا يخفى ما على كل منهما في ذلك من الهُجنة و سوء النكير ، إذ لا يتفوه بذلك و لا يستبيحه إلا من سفه نفسه ، و فقد ــ و العياذ بالله ــ حسه ، و رام رفع [724] ما صح نقله و معناه ، و لم يخالف في تحريمه أحد في جميع معمور الأرض الإسلامية من مطلع الشمس إلى مغربها ؛ لأغراض فاسدة في نظر الشرع ، لا رأس لها و لا ذنَب .

فلا تصدر هذه [الأغراض] [725] الهَوسية [726] إلا من قلب استحوذ عليه الشيطان ، فأنساه

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719 ما بين المعكوفتَيْن ساقط مِن (ح) .

720 تقدم تخريجه في أول الرسالة .

721 في (أ) ، و (ح) ، و (ر) ، و (م) : (فمن) .

722 تقدم تخريجه في أول الرسالة .

723 في (ر) : (إلى آخر) .

724 الرفع هو النسخ في اصطلاح الأصوليين ، يقولون : رفع الحكم ؛ إذا نسخه .

725 في (أ) : (الأعراض) .

726 الهَوسُ بفتحتين : طرف من الجُنُون .

انظُر : الصحاح ، للجوهري : 3 / 992 ، و المعجم الوسيط : 2 / 1040 .

حلاوة الإيمان ، و مكانه من الأوطان . و من [ارتكب هذا و تورط فيه] [727] فقد استعجل لنفسه الخبيثة الخزي المضمون في العاجل و الآجل ، إلا أنه [لا] [728] يساوي في العصيان و الإثم ، و العدوان و المقت ، و السماجة و الإبعاد ، و [الاستنقاص] [729] و استحقاق [اللئيمة] [730] و المذمة الكبرى – التارك للهجرة بالكلية بموالاة الأعداء ، و السكنى بين أظهر البعداء ؛ لأن غاية ما صدر من هذين الخبيثين عزمٌ ، و هو التصميم و توطين النفس على الفعل ، و هما لم يفعلا .

و قد اختلف أئمتنا الأشاعرة في المؤاخذة [731] به ، فنقل الإمام أبو عبد الله المازري رحمه الله عن كثيرين أنه [غير] [732] مواخذ به رأساً ، [لظاهر] [733] قوله] [734] عليه السلام : (**إن الله تجاوز لأمتى ما حدثت به أنفسها**) [735] . و قال القاضي أبو بكر الباقلاني : إنه مؤاخذ به ، و احتج له بحديث : (إذا [اصطفَّ] [736] المسلمان [بسيفيهما] [737] فالقاتل و المقتول في النار)

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727 في (أ) : (ارتكب في هذا و تورط) ، و في (ر) : (ارتبك في هذا و تورط فيه) ، و في (م) : (ارتكب هذا و تورط) .

728 ما بين المعكوفتَيْن ساقط مِن : (م) .

729 في (ح) ، و (م) : (الانتقاص) .

730 في (أ) : (اللائمة) ، و هو الأقرب إلى الصواب ، إذ اللائمة هي العذل و اللوم ، و هو المعنى الذي دلَّ عليه السياق ، بخلاف (اللئيمة) التي لا تحتمل هذا المعنى و لو من بعيد .

انظُر : تاج العروس من جواهر القاموس ، للزبيدي : 9 / 64 و ما بعدها ، و المصباح المنير ، ص : 214 ، و المعجم الوسيط : 2 / 880 .

731 حيثما وردت هذه لفظة (المؤاخذة) أو أيٍّ من مشتقاتها فإن ما يقابلها في (م) وارد بإهمال همزِ الواو ، و هو شائع في الكتابة المغربية .

732 ما بين المعكوفتَيْن ساقط مِن : (ح) .

733 ما بين المعكوفتَين ساقط من (أ) .

734 في (أ) : لقوله .

735 رواه البخاري : 9 / 300 في كتاب الطلاق ، باب الطلاق في الإغلاق ، حديث رقم (5269) بلفظ : (إن الله تجاوز عن أمتي ما حدَّثَت به أنفسها ما لم تعمل أو تتكلم) ، و مسلم : 1 / 123 في كتاب الإيمان ، باب تجاوُز الله عن حديث النفس و الخواطر بالقلب إذا لم تستقر ، حديث رقم (127) ، كلاهما عن أبي هريرة رضي الله عنه .

736 في (أ) : (اصطفّا) ، و هو صحيح على لغة (أكلوني البراغيث) التي تساوي بين الفعل و الفاعل في العدد .

737 في (أ) ، و (ح) ، و (م) : (بسيفهما) .

قيل : يا رسول الله ! هذا القاتل فما بال المقتول ؟ [قال] [738] : (إنه كان حريصاً على قتل صاحبه) [739] [فإثمه] [740] بالحرص . و أجيب بأن اللقاء و إشهار السلاح فعل ، و هو المراد بالحرص [741] .

و قال في الإكمال [742] : [يقول] [743] القاضي [744] قال عامة السلف من الفقهاء و المتكلمين و المحدثين ؛ لكثرة الأحاديث الدالة على المؤاخذة [بعمل القلب ، و حملوا أحاديث عدم المواخذه [9/أ] على الهَمّ] [745] .

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738 في (ر) : (قيل) ، و هو خطأ ؛ لمخالفته السياق ، و الرواية .

739 رواه البخاري : 1 / 106 في كتاب الإيمان ، باب (و إن طائفتان من المؤمنين اقتتلوا) ، حديث رقم (31) ، و طرفاه في (6875) و (7083) ، و مسلم : 4 / 520 في كتاب الفتن و أشراط الساعة ، باب إذا تواجه المسلمان بسيفيهما ، حديث رقم (2888) ، كلاهما عن أبي بكرة رضي الله عنه ، و أوّله عندهما : (إذا التقى المسلمان) ، و (إذا تواجه المسلمان) ، أما اللفظ الذي أورده المؤلف به فلم أقف عليه في أيٍّ من دواوين السنّة .

740 في (ر) : (فأَثِمَ) .

741 قال المازَري : مذهب القاضي ابن الطيب رحمه الله أن من عزم على المعصية بقلبه و وطَّنَ عليها نفسَه مأثومٌ في اعتقاده و عَزْمه ، و قد يُحمل ما وقع في هذه الأحاديث ، و أمثالها على أن ذلك فيمن لم يوطّن نفسه على المعصية ، و إنما مرَّ ذلك بفكره من غير استقرار ، و يسمّى مِثْلُ هذا (الهَمّ) و يفرَّق بين الهمّ و العزم ، فيكون معنى قوله في الحديث : (إن مَن همَّ لم يُكتَب عليه) على هذا التقسيم ؛ الذي هو خاطر غير مستقِرٍّ . و خالفه كثير من الفقهاء و المحدثين ؛ أخذاً بظاهر الأحاديث ، و يُحتج للقاضي بقول النبي صلى الله عليه و سلم : (إذا التقى المسلمان بسيفيهما ...) الحديث ، و قال فيه : (لأنه كان حريصاً على قتل صاحبه) ، فقد جعله مأثوماً بالحرص على القتل ، و قوله هذا قد يتأوَّلونه على خلاف هذا التأويل ، فيقولون : قد قال : (إذا التقى المسلمان بسيفيهما) فالإثم إنما يتعلَّق بالفعل و المقابلة ، وهو الذي وقع عليه اسم الحرص ها هنا . اهـــ .
المعلم بفوائد مسلم : 2 / 311 ، 312 .

742 هو كتاب (إكمال المُعلِم بفوائد كتاب مسلم) ، للقاضي عياض بن موسى اليحصبي (تـــ 544 هـــ) ، و هو مكمل لشرح أبي عبد الله المازري الذي سمّاه (المعلم بفوائد مسلم) .
انظُر : وفيات الأعيان : 4 / 285 ، و كشف الظنون : 1 / 557 .

743 في (أ) : (يقول) .

744 هو القاضي أبو بكر الباقلاني ، و قد تقدم التعريف به .

745 ما بين المعكوفتَيْن يقابله في (ر) : (على أنّه) .

قيل للثوري [746] : [أنُواخَذُ] [747] بالهَمَّة ؟ قال : إذا كانت عزماً [748] .

لكنهم قالوا : إنما يؤاخَذ بسيئة العزم ؛ لأنها معصية ، لا بسيئة المعزوم عليه ؛ لأنها لم تُفعَل ، فإن فُعلت كتبت سيئة ثانية ، و إن كفَّ عنها كتبت حسنةً ، لحديث : (**إنما تركها من جرَّايَ**) [749] .

[و] [750] قال محيي الدين النووي [751] : تظاهرت النصوص بالمؤاخذه بالعزم ، كقوله

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746 هو أبو عبد الله سفيان بن سعيد بن مسروق بن حبيب الثوري الكوفي ، الفقيه المجتهد ، شيخ الإسلام ، إمام الحفاظ في زمانه ، و لد في الكوفة سنة (97هـ) و نشأ بها ، راوده المنصور العباسي أن يلي القضاء فأبى ، و تنقل في البلاد حتى مات في البصرة مستخفياً سنة (161 هـ) ، من مصنفاته : (الجامع الكبير) و (الجامع الصغير) في الحديث .

انظُر ترجمَتَه في : وفيات الأعيان : 2 / 386 و ما بعدها ، ترجمة رقم (266) ، و البداية و النهاية : 10 / 634 ، و تهذيب التهذيب : 4 / 99 و ما بعدها ، ترجمة رقم (199) .

747 في (أ) : (أيؤاخذ) .

748 قال الحافظ ابن حجر : سأَلَ ابنُ المباركِ سفيانَ الثوري : أيؤاخذ العبد بما يهم به ؟ قال : إذا جزم بذلك .

فتح الباري : 11 / 335 .

749 رواه مسلم : 1 / 124 في كتاب الإيمان ، باب إذا همّ العبد بحسنة كتبت ، و إذا همّ بسيِّئةٍ لم تُكتَب ، حديث رقم (205) عن أبي هريرة رضي الله عنه قال : قال رسول الله صلى الله عليه و سلم : (قال الله عزّ و جل : إذا تحدّث عبدي بأن يعمل حسنةً فأنا أكتبها له حسنة ما لم يعمل ، فإذا عملها فأنا أكتبها له بعشر أمثالها ، و إذا تحدث بأن يعمل سيئةً فأنا أغفرها له ما لم يعملها ، فإذا عملها فأنا أكتبها له بمثلها) ، و قال رسول الله صلى الله عليه و سلم : (قالَت الملائكة : ربِّ ، ذاك عبدك يريد أن يعمل سيِّئةً ــ و هو أبصر به ــ ؟ فقال : ارقبوه ، فإن عملها فاكتبوها له بمثلها ، و إن تركها فاكتبوها له حسنة ، إنّما تركها من جرّايَ) .

و انظر كلام القاضي عياض ، في إكمال المعلم بفوائد مسلم : 1 / 425 .

و قد نقل النووي هذا النص في شرحه على صحيح مسلم بمعناه ، و قال بعده : (و هو ظاهرٌ حَسَنٌ لا مَزيدَ عليه) .

صحيح مسلم ، بشرح النووي : 2 / 151 .

750 الواو ساقطة مِن (م) .

751 هو أبو زكريا محيي الدين يحيى بن شرف النووي ، شيخ المحدثين ، و كبير فقهاء الشافعية في زمانه . ولد في (نَوَى) ــ قرية من قرى حوران بالشام ــ سنة (631 هـ) ، ثم نزل دمشق ، و طلب العلم على المشايخ فيها ، ثم باشر التدريس ، و كان من الزهاد و العبّاد ، على قدر كبير من الورع و التحري و الانجماح عن الناس ، توفي ــ رحمه الله ــ سنة (676 هـ) . و له من الكتب : (منهاج الطالبين) ، و (المجموع شرح المهذب) في الفقه الشافعي ، و لم يكمله ، و (شرح صحيح مسلم) الذي اشتهر و انتشر ، و سارت به الركبان .

تعالى : { إِنَّ الَّذِينَ يُحِبُّونَ أَن تَشِيعَ الْفَاحِشَةُ فِي الَّذِينَ آمَنُوا } [النور : 19] ، و قوله تعالى : { اجْتَنِبُوا كَثِيراً مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ } [الحجرات : 12] .

و قد أجمعت الأمة على حرمة الحسد و احتقار [الناس] [752] و إرادة المكروه [بهم] [753] . انتهى [754] .

و اعترِضَ هذا الاحتجاجُ بأن العزم المختلف فيه ما له صورة في الخارج كالزنى و شرب الخمر ، و أما ما لا صورة له في الخارج كالاعتقادات و خبائث النفس من الحسد و نحوه فليس من صور [محل] [755] الخلاف ؛ لأن النهي عنه في نفسه ؛ به وقع التكليف فلا يحتج بالإجماع الذي فيه .

و ليكن هذا آخر ما ظهر كَتْبُهُ [756] من الجواب عن السؤال [المفيد] [757] الموجه من قبل الفقيه المعظم الخطيب الفاضل القدوة الصالح البقية ، و الجملة [الفاضلة النقية] [758] ، السيد أبي عبد الله بن قطية ، أدام الله سموه و رقيّه ، و ينبغي أن يترجم هذا الجواب و يسمى بـــ (أسنى المتاجر ، في بيان أحكام من غلب على وطنه النصارى و لم يهاجر ، و ما يترتب عليه من

انظُر ترجمَتَه في : البداية و النهاية : 13 / 277 ، و طبقات الشافعية الكبرى ، للسبكي : 8 / 395 و ما بعده ، ترجمة رقم (1288) ، و الأعلام : 8 / 149 .

752 في (أ) : (النفس) .

753 ما بين المعكوفتَيْن ساقط مِن (م) .

754 قال الإمام النووي : (و قد تظاهرت نصوص الشَّرع بالمؤاخذة بعزم القلب المستقرّ ، و الآيات في هذا كثيرة ... و قد تظاهرت نصوص الشَّرع ، و إجماع العلماء على تحريم الحسد ، و احتقار المسلمين ، و إرادة المكروه بهم ... و غير ذلك من أعمال القلوب و عزمِها ، و اللَّه أعلم) .

شرح صحيح مسلم : 2 /151 ، 152 .

755 ما بين المعكوفتَيْن ساقط مِن (ر) .

756 كَتَبَ الكتابَ يكتُبُهُ كَتْباً و كِتابةً بمعنىً .

انظُر : المصباح المنير ، ص : 200 ، و المعجم الوسيط : 2 / 805 .

757 في (أ) : (المقيَّد) .

758 في (ر) : (الفاضلة الصالحة النقية) .

العقوبات و الزواجر) ، و اللهَ أسأل أن ينفع به ، و يضاعف الأجر بسببه .

قاله و خطه العبد المستغفر الفقير المسلم عبيد الله أحمد بن [يحيى] [759] بن محمد بن علي الوَنْشَرِيْسِي ، وفقه الله .

و كان الفراغ [من] [760] كتبه يوم الأحد التاسع عشر لذي قعدة الحرام ، من عام ستة و تسعين و ثمانمائة ،عرفنا الله خيره .

Fatwa 2:

مُلحَقةٌ

و كتب إليَّ الفقيه أبو عبد الله [761] المذكور أيضاً بما نصه :

الحمد لله ، و الصلاة و السلام علي رسول الله .

جوابَكم يا سيدي ــ رضي الله عنكم ، و متَّع المسلمين بحياتكم ــ في نازلة ، و هي : رجل من أهل مربلة [762] معروف بالفضل و الدين تخلف عن الهجرة مع أهل بلده ؛ ليبحث عن أخ له فُقِدَ قَبْلُ في قتال العدو بأرض الحرب ، فبحث عن خبره إلى الآن فلم يجده ، و أيس منه ،

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759 في (ر) : (محمد) بدلاً من (يحيى) ، و هو خطأ .

760 في (م) : (مذ) .

761 هو عبد الله بن قطية ، السائل في المسألة الأولى ، و قد ذكره الونشريس في مطلعها ، و أكثر من الثناء عليه ، مع أنه لا يكاد يُعرَف .

762 مربلة (Marbella) ميناء أندلسي على البحر الأبيض ، تقع إلى الغرب من مالقة .

فأراد أن يهاجر فعرض له سبب آخر ، و هو أنه لسانٌ و عونٌ [للمسلمين الذميين] [763] ، حيث سكناه ، و لمن جاورهم أيضاً من أمثالهم بغربية الأندلس يتكلم [عنه] [764] مع حكام النصارى فيما يعرض لهم معهم من نوائب الدهر ، و يخاصم عنهم و يُخَلِّصُ كثيراً منهم من ورطات عظيمة بحيث إنه يعجز عن تعاطي ذلك عنهم أكثرُهم ، بل [قلَّ] [765] ما يجدون مثله في ذلك الفن إن هاجر ، و بحيث إنه يلحقهم في فقده ضرر كبير إن فقدوه .

فهل يرخص له في الإقامة معهم تحت حكم الملة الكافرة ؛ لما في إقامته هناك من المصلحة لأولئك المساكين الذميين ، مع أنه قادر على الهجرة متى شاء ؟ أو لا يرخص له ؛ [إذ] [766] لا رخصة لهم أيضاً في إقامتهم هناك تجري عليهم أحكام الكفر ، لا سيما و قد سمح لهم في الهجرة مع [أنَّهم] [767] قادرون عليها متى أحبوا ؟

و على تقدير أن لو رُخِّصَ له في ذلك فهل يرخص له أيضاً في الصلاة بثيابه حسب استطاعته ؟ إذ لا تخلو في الغالب عن نجاسة لكثرة مخالطته للنصارى ، و تصرفه بينهم ، و رقاده و قيامه في ديارهم في خدمة المسلمين الذميين حسبما ذُكر ؟

بيِّنوا لنا حكم الله في ذلك [كلِّه] [768] مأجورين مشكورين إن شاء الله تعالى ، و السلام الكثير يعتمد مقامكم العليّ و رحمة الله تعالى و بركاته .

فأجبته بما نصه :

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763 في (أ) ، و (ح) : (للمسلمين المساكين الذميين) .
764 في (أ) ، و (ح) ، و (م) : (عنهم) ، و هو أوجَه .
765 ما بين المعكوفتَيْن ساقط مِن (أ) .
766 في (أ) : (أو) .
767 في (أ) ، و (ح) ، و (م) : (أنّ أكثرهم) .
768 ما بين المعكوفتَيْن ساقط مِن (م) .

الحمد لله تعالى و حده ، [الجواب] [769] ــ و الله تعالى وليّ التوفيق بفضله ــ :

إن إلهنا الواحد القهار ، قد جعل [الجزية] [770] و الصَغَار في أعناق ملاعين الكفار ، [سلاسلاً] [771] و أغلالاً يطوفون بها في الأقطار ، و في أمهات المدائن و الأمصار ؛ إظهاراً لعزة الإسلام ، و [شَرَفاً لنَبِيِّهِ] [772] المختار ، فمن حاول من المسلمين ــ عصمهم [الله و وفرهم] [773] ــ انقلاب تلك السلاسل و الأغلال في عنقه فقد حاد الله و رسوله ، و عرض بنفسه إلى سخط العزيز الجبار ، وحقيق [أن] [774] يكبكبهُ [الله] [775] معهم في النار ، { كَتَبَ اللَّهُ لأَغْلِبَنَّ أَنَا و رُسُلِي إِنَّ اللَّهَ قَوِيٌّ عَزِيزٌ } [المجادلة : 21] .

فالواجب على كل مؤمن يؤمن بالله و اليوم الآخر السعي في حفظ رأس الإيمان بالبعد و الفرار عن مساكنة أعداء حبيب الرحمن ، و الاعتلالُ لإقامة الفاضل المذكور بما عرض من غرض الترجمة بين الطاغية و أهل ذمته من الدجن العصاة – لا يخلص من واجب الهجرة ، و لا يتوهم معارضةَ ما سطر في السؤال من الأوصاف الطردية لحكمها [الواجب] [776] ، إلا متجاهل أو جاهل معكوس الفطرة ، ليس معه من مدارك الشرع خبرة ؛ لأن مساكنة الكفار من غير أهل الذمة و الصغار لا تجوز و لا تباح ساعة من نهار ؛ لما تنتجه من الأدناس و الأوضار و المفاسد الدينية و الدنيوية طول الأعمار ؛ **منها** : أن غرض الشرع أن تكون كلمة الإسلام [شهادةً] [777] ، و شهادة الحق قائمة على ظهورها [غالبة] [778] على غيرها ، منزهة عن

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769 في (أ) : (و هذا الجواب) ، بزيادة (و هذا) .

770 في (أ) ، و (ح) ، و (م) : (الخزية) ، من الخزي .

771 في (أ) : (سلاسلَ) بمنعها من الصرف .

772 في (أ) ، و (ح) ، و (م) : (شرف نبيه) .

773 ما بين المعكوفتَيْن مكرر في الأصل .

774 في (أ) ، و (م) : (أنه) .

775 لفظ الجلالة غير موجود في الأصل .

776 في (م) : (بالواجب) .

777 ما بين المعكوفتين ساقط من (أ) ، و (ح) ، و (م) .

الازدراء بها ، و من ظهور [شعار] [779] الكفر عليها ، و مساكنتهم تحت الذل و الصغار تقتضي ــ و لا بد ــ أن تكون هذه الكلمة الشريفة العالية المنيفة سافلةً لا عالية ، و مزدرى بها لا منزّهةً . و حسبك بهذه المخالفة للقواعد الشرعية والأصول و بمن يتحملها و يصبر عليها مدة عمره من غير ضرورة و لا إكراه .

و **منها** : أن كمال الصلاة التي تتلو الشهادتين في الفضل و التعظيم و الإعلان و الظهور ، لا يكون و لا يُتصور إلا بكمال الظهور و العلو و النزاهة من الازدراء و الاحتقار ، [و] [780] في مساكنة الكفار ، و ملابسة الفجار تعريضها للإضاعة و الازدراء و الهزء و اللعب ، قال الله تعالى : { و إِذَا نَادَيْتُمْ إِلَى الصَّلاَةِ اتَّخَذُوهَا هُزُواً و لَعِباً ذَلِكَ بِأَنَّهُمْ قَومٌ لاَّ يَعْقِلُونَ } [المائدة : 58] . و حسبك بهذه المخالفة أيضاً .

و **منها** : إيتاء الزكاة ، و لا يخفى على ذي بصيرة و سريرة مستنيرة أن إخرج الزكاة للإمام من أركان الإسلام ، و شعائر الأنام ، و حيث لا إمام فلا إخراج [781] ؛ لعدم شرطها ، فلا

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778 في (أ) ، و (ح) ، و (م) : (عالية) .

779 في (أ) : (شعائر) .

780 الواو ساقطة مِن (أ) .

781 هذا رأي غريب للونشريسي ، و يلزم منه إسقاط الزكاة عند فقد الإمام ، و إن وجد موجبها من التكليف و بلوغ النصاب ، و عليه فإن ركن إخراج الزكاة يسقط عن مسلمي عصرنا ، إذ لا إمام في جل أقطار الأرض .

بل الصواب و الله أعلم أن إخراج الزكاة للإمام واجب عند قيامه أمره بأدائها له ، أو لمن ينيبه من الجباة ، أو يستخلفهم من الولاة و العمّال ، و هذا هو مذهب السادة المالكية الحقُّ .

قال القرافي رحمه الله : قال سند : قال سند : فإن فرَّقَها ربُّها و الإمام عدلٌ أجزأته عند الجمهور ، و كذلك لو طلبَه [أي الإمام] فأقام على إيصالها إلى ربِّها [أي مستحقها من الأصناف الثمانية] بيِّنةً . و قال ابن القصَّار : إن طلبه الإمام العَدلُ غَرِمَها ، و إلا [أي إن لم يطلبه] أجزأَتهُ ، فإن لم تقم بينةٌ ، قال مالك و ابن القاسم : لا يُقبَلُ قولُه إن كان الإمام عَدلاً . و قال أشهَب : يُقبَلُ إن كان صالحاً ، فإن كان الإمام جائراً فلا تُدفَعُ إليه ؛ لئلا تضيع على مستحِقِّها . قال أشهَب : إن دفعها إلى غير العدل مع إمكان إخفائها لم تجزئه إلا أن يُكرِهَه ، فلعلَّها تجزيء . و قال ابن القاسم : إن أخذها الجائر أو عوَضاً عنها ، و هو يضعها مواضعها أجزَأَت ، وإلا فلا تجزيء طوعاً و لا كرهاً ، صدقةً و لا عِوَضاً . قال أصبغ : و الناس على خلافه ، و أنها تجزيء مع الإكراه ، قال أصبغ : فلو دَفَعَها طوعاً إليه فأَحَبُّ إليَّ أن يُعيد . اهــ .

الذخيرة ، للقرافي : 134 ، 135 .

زكاة لفقد مستحقها . فهذا ركن من أركان الإسلام منهدٌّ بهذه الموالاة الكفرية ، و أما إخراجها لمن يستعين بها على المسلمين فلا يخفى أيضاً ما فيه من [المناقضات] [782] للمتعبَّدات الشرعية كلها .

و **منها** صيام رمضان ، و لا يخفى أنه فرض على الأعيان ، و زكاة الأبدان ، و هو مشروط برؤية الهلال ابتداءً و انقضاءً ، و في أكثر الأحوال إنما تثبت الرؤية بالشهادة ، والشهادة لا تؤدى إلا عند الأئمة و خلفائهم ، و حيث لا إمام ، [لا خليفة ، فلا شهادة الشهر] [783] إذ ذاك مشكوك الأول و الآخر في العمل الشرعي .

و **منها** : حج البيت ، و الحج و إن كان ساقطاً عنهم ؛ لعدم الاستطاعة ، لأنها موكولة إليهم ، فالجهاد لإعلاء كلمة الحق و محو الكفر من قواعد الأعمال الإسلامية ، و هو فرض على الكفاية و عند مسيس الحاجة ، ولا سيما بمواضع هذه الإقامة المسئول عنها و ما يجاورها ، ثم هم : إما ضرورة مانعة منه على الإطلاق كالعازم على تركه من [غير] [784] ضرورة ، و العازم على [الترك] [785] [من غير ضرورة كالتارك] [786] قصداً مختاراً ، و إما مقتحمون نقيضه بمعاونة أوليائهم على المسلمين ، إما بالنفوس و إما بالأموال ، فيصيرون [حينئذ] [787] حربيين مع المشركين . و حسبك بهذه مناقضة و ضلالة .

و قد اتضح بهذا التقرير نقص صلاتهم و صيامهم و زكاتهم و جهادهم ، و إخلالُهُم

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782 في (أ) ، و (ح) ، و (م) : (المناقضة) .

783 المثبت مِن (ح) ، و (م) ، و في الأصل : (لا خليفة فالشهادة الشهر) و يبدو أن ثمة سقط قبل كلمة (الشهر) ، و في (أ) : (و لا خليفة و لا شهادة) ثم بياض قبل كلمة (الشهر) و على كل حال فالعبارة مُشكِلةٌ ، و أقربُها ما أثبتناه مِن (ح) ، (م) ، و الله أعلم بالصواب .

784 ما بين المعكوفتَيْن ساقط مِن (ح) ، (م) .

785 في (م) : (تركه) .

786 ما بين المعكوفتَيْن ساقط من الأصل ، و هو في : (أ) ، و (ح) ، و (م) : ، و قد أثبتناه لأن السياق يقتضيه .

787 ما بين المعكوفتَيْن ساقط مِن (أ) .

بإعلاء كلمة الله و شهادة الحق ، و إهمالهم [لإجلالها] [788] و تعظيمهما و تنزيههما عن ازدراء الكفار ، و تلاعب الفجار ، فكيف يتوقف متشرع أو يشك متورع في تحريم هذه الإقامة مع استصحابها لمخالفة جميع هذه القواعد الإسلامية الشريفة الجليلة ، مع ما ينضم إليها و يقترن بهذه المساكنة المقهورة مما لا ينفك عنها غالباً من التنقيص الدنياوي و تحمل الذلة والمهانة ؟! و هو مع ذلك مخالف لمعهود عزة المسلمين ، و رفعة أقدارهم ، و داع إلى احتقار الدين و اهتضامه ، و هو أمور أيضاً تصطك منها المسامع :

منها : الإذلال و الاحتقار و الإهانة ، و قد قال عليه السلام : **(لا ينبغي لمسلم أن يذل نفسه)** [789] ، و قال : **(اليد العليا خير من اليد السفلى)** [790] .

و منها الازدراء و الاستهزاء ، و لا يتحملهما ذو مروءة فاضلة من غير ضرورة .

و **منها** السب و [الإذاية] [791] في العرض ، و ربما كانت في البدن و المال ، و لا يخفى ما فيه من جهة السنة و المروءة .

و **منها** الاستغراق في مشاهدة المنكرات ، و التعرض لملابسة النجاسات ، و أكل المحرمات و المتشابهات .

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788 في (أ) ، و (م) : (لإجلاها) .

789 حديث صحيح رواه الترمذي : 4 / 522 ، 523 في كتاب الفتن ، باب رقم (67) ، حديث رقم (2204) ، و ابن ماجة : 2 / 384 في كتاب الفتن ، باب قوله تعالى : (يا أيها الذين آمنوا عليكم أنفسكم) ، حديث رقم (4066) ، و أحمد في المسند : 16 / 628 ، حديث رقم (23336) عن حذيفة بن اليمان رضي الله عنه قال : قال رسول الله صلى الله عليه و سلم : (لا ينبغي للمؤمن أن يُذِلَّ نفسه) . قالوا : و كيف يذلُّ نفسَه ؟ قال : (يتعرّض من البلاء لما لا يطيقه) .

790 رواه البخاري : 3 / 345 في كتاب الزكاة ، باب : لا صدقة إلا عن ظهر غِنى ، حدبث رقم (1427) عن حكيم بن حزام رضي الله عنه ، و رواه أيضاً : 9 / 410 في كتاب النفقات ، باب وجوب النفقة على الأهل و العيال ، حديث رقم (5355) عن أبي هريرة رضي الله عنه . و رواه مسلم : 2 / 145 ، 146 في كتاب الزكاة ، باب بيان أن اليد العليا خيرٌ من اليد السفلى ، حديث رقم (1033) عن عبد الله بن عمر رضي الله عنهما ، و برقم (1402) عن أبي هريرة رضي الله عنه .

791 في (أ) : (الأذيَّة) .

و **منها** : ما يُتوقَّع مَخُوفاً في هذه الإقامة ، و هو أمور أيضاً :

منها : نقض العهد من المَلك و التسلط على النفس و الأهل و الولد و المال ، و قد روي أن عمر بن عبد العزيز [رضي الله عنه] [792] نهى عن الإقامة بجزيرة الأندلس مع أنها كانت في ذلك الوقت رباطاً لا يُجهَل فضلُه ، و مع ما كان المسلمون عليه من القوة و الظهور و وفور العَدَد و العُدَد ، لكن مع ذلك نهى عنه خليفة الوقت المتفق على فضله و دينه و صلاحه و نصيحته لرعيته [793] ؛ خوف التغرير ، فكيف بمن ألقى نفسه و أهله و أولاده بأيديهم عند قوتهم و ظهورهم و كثرة عَدَدِهم و وفور عُدَدِهم ؛ اعتماداً على وفائهم بعهدهم في شريعتهم ؟! و نحن لا نقبل شهادتهم بالإضافة إليهم فضلاً عن قبولها بالإضافة إلينا ، و كيف نعتمد على زعمهم بالوفاء مع ما وقع من هذا التوقع ، و مع ما يشهد له من الوقائع عند من بحث و استقرأ الأخبار في معمور الأقطار .

و **منها** : الخوف على النفس و الأهل و الولد و المال أيضاً من شرارهم و سفهائهم و مغتاليهم ، هذا على فرض وفاء دَهَاقِينِهم [794] و مَلِكِهم ، و هذا أيضاً [يشهد] [795] له العادة ، و يقر بها الوقوع .

و **منها** : الخوف من الفتنة في الدين ، و هب أن الكبار العقلاء قد يأمنونها ، فمن يؤمن الصغار و السفهاء و ضعفة النساء إذا انتدب إليهم دهاقين الأعداء و شياطينهم ؟

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792 ما بين المعكوفتَيْن ساقط من (أ) ، و (ح) ، و (م) .

793 قال ابن خلدون : (رأى عمر بن عبد العزيز أن يخرج المسلمين منها لانقطاعهم عن قومهم وأهل دينهم ، و شاور في ذلك كبار التابعين و أشراف العرب فرأوه رأياً ، و اعتزم عليه لولا ماعاقه من المنية) . تاريخ ابن خلدون : 7 / 250 ، و انظر : الكامل في التاريخ ، لأبي الحسن الشيباني : 5 : 120 .

794 الدهاقين : جمع دهقان ــ بكسر الدال و ضمّها ــ و هو لفظ معرَّب يطلَق على : رئيس القرية ، أو رئيس الإقليم ، أو القادر على التصرف مع شدّةٍ خبرة ، أو من له مالٌ و عقار ، أو التاجر ، و هذه المعاني جميعاً يحتمل أن تكون مرادةً هنا .

انظُر : المصباح المنير ، ص : 77 ، و المعجم الوسيط : 1 / 310 .

795 في (أ) ، و (ح) ، و (م) : (تشهد) .

و منها الخوف من الفتنة على الأبضاع و الفروج ، و متى يأمن ذو زوجة أو ابنة أو قريبة وضيئة أن يعثر عليها [وضيع من كلاب الأعداء] [796] و [خنازير] [797] البُعَداء فيغرّها في نفسها ، و [يغترها] [798] في دينها ، و يستولي عليها و تطاوعه و يحال بينها و بين وليِّها بالارتداد و الفتنة في الدين ، كما عرض لكَنّة المعتمد بن عباد [799] ، و من لها من الأولاد ، أعاذنا الله من البلاء و شماتة الأعداء .

و **منها** : الخوف من سريان سيرهم و [لباسهم و لسانهم] [800] و عوائدهم المذمومة إلى المقيمين معهم بطول السنين ، كما عرض لأهل آبُلّة [801] و غيرهم ، و فقدوا اللسان العربي جملةً

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796 ما بين المعكوفتَيْن مكرر في الأصل .

797 في (م) : (خنازيرهم) .

798 في (أ) : (يغرها) .

799 هو المعتمد على الله أبو القاسم محمد بن عبّاد بن محمد اللخمي ، صاحب اشبيليّة و قرطبة و ما حولهما ، و أحد أفراد الدهر شجاعةً و حزماً ، ولد في باجة بالأندلس سنة (431 هـ) ، و ولي إشبيلية بعد وفاة أبيه سنة (461 هـ) ، و استتب له الأمر ، فقصده العلماء و الشعراء و الأمراء ، و ما اجتمع بباب أحد من معاصريه ما كان يجتمع في بابه من أعيان الأدب ، و كان فصيحاً شاعراً له ديوان شعر مطبوع . أرسل إليه ملك الروم (ألفونس السادس) سنة (478 هـ) يهدده و يدعوه إلى النزول عما في يده من الحصون ، فاستعان بيوسف بن تاشفين صاحب مراكش ، و ملوكِ الأندلس ، و التقى بمَن معهُ جيشَ ألفونس في معركة (الزلاقة) الشهيرة سنة (479 هـ) التي أبيد فيها أكثر عساكر الروم ، و ثبت فيها المعتمد ثباتاً عظيماً ، و في سنة (483 هـ) ، ثارت فتنة في قرطبة قُتِل فيها ابنه أحد بنيه ، و فتنة أخرى في إشبيلية أطفأ المعتمد نارها فخَمَدَت ثم اتَّقَدَت من جديد (بخيانة) و ظهر من ورائها جيش يقوده أحد قواد ابن تاشفين ، و حوصر المعتمد في إشبيلية ، و قتل اثنان من أبنائه ، و فُتَّ في عضُده فاستَسلَم سنة (484 هـ) ، و أدخِل على ابن تاشفين في مراكش ، فنفاه إلى (أغمات) و هي بلدة صغيرة قريبة من مراكش ، عاش المعتمد سجيناص في (أغمات) إلى أن مات سنة (488 هـ) .

أما كنته التي ذكرها الونشريسي فهي (زايدة) ، فرَّت إلى معسكر الروم مُرتدّةً عن الإسلام ، و تنصّرت ، و اتخذها ألفونس السادس سريّة (زوجة غير شرعية) له ، فأنجبت له ولده الوحيد (سانشو) ، و هلَكَت أثناء وضعِه ، أما ابنها فقتله المرابطون في معركة (اقليش) سنة (501 هـ) .

انظُر ترجمَة المعتمد في : وفيات الأعيان : 5 / 21 و ما بعدها ، ترجمة رقم (686) ، و الأعلام ، للزركلي : 6 / 181 .

800 في (أ) ، و (ح) ، و (م) : (لسانهم و لباسهم) .

801 مدينة آبلة (Avila) افتتحها المسلمون سنة (145 هـ) أيام عبد الرحمن الداخل ، و استمرت تحت حكمهم أكثر من مائة عام ثم سقطت في أيدي الفرنجة ، و ما لبث المسلمون أن كروا عليها فافتتحوها من جديد ، و دانت لهم ، و أسلم أهلها ، و ظلت كذلك حتى سقوطها الأخير سنة 481 للهجرة ، في يد الفرنجة ، حيث عمدوا إلى جلب النصارى إليها من كل مكان حتى

، و إذا فقد اللسان [العربي] [802] جملةً فقدت متعبداته [803] ، و ناهيك من فوات المتعبدات اللفظية مع كثرتها و كثرة فضلها .

و **منها** : الخوف من التسلط على المال بإحداث الوظائف الثقيلة و المغارم المجحفة المؤدية إلى استغراق المال ، و إحاطة الضرائب الكفرية به في دفعة واحدة في صورة [ضرورة] [804] وقتية ، أو في دُفَع ، وإما استناد إلى تلفيق من العذر و التأويل لا تستطاع مراجعتهم فيه ، و لا مناظرتهم عليه ، و إن كان في غاية من الضعف ، و وضوح الوهن و الفساد ، فلا يقدم على ذلك خوفاً من أن يكون سبباً لتحريك دواعي الحقد ، و داعية لنقض العهد و التسلط على النفس و الأهل و الولد ، و هذا يشهد له الوقوع عند من بحث ، بل ربما وقع في موضع النازلة المسئول عنها و في غيره غير مرة .

فقد ثبت بهذه المفاسد الواقعة و المتوقعة تحريم هذه الإقامة ، و حظر هذه المساكنة المنحرفة عن الاستقامة ، من جهات مختلفة متعاضدة مؤدية إلى معنى واحد ، بل قد نقل الأئمة حكم هذا الأصل إلى غيره ؛ لقوته و ظهوره في التحريم ، فقال إمام دار الهجرة أبو عبد الله مالك بن أنس رضي الله عنه : (إن آية الهجرة تعطي أن كل مسلم ينبغي أن يخرج من البلاد التي تُغَيَّرُ فيها السنن ، و يعمل فيها بغير الحق) ، فضلاً عن الخروج و الفرار من بلاد الكفرة ، و بقاع الفجرة ، و معاذ الله أن تركن لأهل التثليث أمة فاضلة توحده و ترضى بالمقام بين أظهر الأنجاس الأرجاس ، وهي تعظِّمه [و تمجِّده] [805] .

صار أهلها من المسلمين أقلية ، ما لبثت أن ذابت في المجتمع الجديد ، ففقدت لغتها و كثيراً من معالم و شعائر دينها ، و تلاشت تماماً في القرن الهجري الحادي عشر .

802 في (أ) ، و (م) : (العربية) .

803 يريد هنا العبادات المؤداة بالنطق باللسان العربي من أذكار و أدعية و تلاوة للقرآن الكريم و نحو ذلك .

804 ما بين المعكوفتَيْن ساقط مِن (م) .

805 ما بين المعكوفتَيْن ساقط مِن (أ) .

فلا فسحة للفاضل المذكور في إقامته بالموضع المذكور للغرض المذكور ، و لا رخصة له و لا لأصحابه فيما يصيب ثيابهم و أبدانهم من النجاسات و الأخباث ؛ إذ العفو عنها مشروط بعسر التوقِّي و التحرُّز ، و لا عسر مع اختيارهم للإقامة و العمل على غير استقامة .

و الله سبحانه [و تعالى] [806] أعلم ، و به التوفيق .

و كتب مسلِّماً على من يقف عليه من أهل لا إله إلا الله العبد المستغفر الفقير الحقير ، الراغب في بركة من يقف عليه ، و ينتهي إليه ، عبيد الله أحمد بن يحيى بن محمد بن علي الونشريسي ، وفقه الله .

806 ما بين المعكوفتَيْن ساقط مِن (أ) .

(This is the second fatwa that was attached to the text of the previous fatwa, sent also by the same Abu Abdullah Bin Qateyah)

مُلحَقةٌ

و كتب إليَّ الفقيه أبو عبد الله [807] المذكور أيضاً بما نصه :

الحمد لله ، و الصلاة و السلام علي رسول الله .

جوابَكم يا سيدي ــ رضي الله عنكم ، و متَّع المسلمين بحياتكم ــ في نازلة ، و هي : رجل من أهل مربلة [808] معروف بالفضل و الدين تخلف عن الهجرة مع أهل بلده ؛ ليبحث عن أخ له فُقِدَ قَبْلُ في قتال العدو بأرض الحرب ، فبحث عن خبره إلى الآن فلم يجده ، و أيس منه ، فأراد أن يهاجر فعرض له سبب آخر ، و هو أنه لسانٌ و عونٌ [للمسلمين الذميين] [809] ، حيث سكناه ، و لمن جاورهم أيضاً من أمثالهم بغربية الأندلس يتكلم [عنه] [810] مع حكام النصارى فيما يعرض لهم معهم من نوائب الدهر ، و يخاصم عنهم و يُخَلِّصُ كثيراً منهم من ورطات عظيمة بحيث إنه يعجز عن تعاطي ذلك عنهم أكثرُهم ، بل [قلَّ] [811] ما يجدون مثله في ذلك الفن إن هاجر ، و بحيث إنه يلحقهم في فقده ضرر كبير إن فقدوه .

فهل يرخص له في الإقامة معهم تحت حكم الملة الكافرة ؛ لما في إقامته هناك من المصلحة لأولئك المساكين الذميين ، مع أنه قادر على الهجرة متى شاء ؟ أو لا يرخص له ؛ [إذ] [812] لا رخصة لهم أيضاً في إقامتهم هناك تجري عليهم أحكام الكفر ، لا سيما و قد سمح لهم

807 هو عبد الله بن قطية ، السائل في المسألة الأولى ، و قد ذكره الونشريس في مطلعها ، و أكثر من الثناء عليه ، مع أنه لا يكاد يُعرَف .

808 مربلة (Marbella) ميناء أندلسي على البحر الأبيض ، تقع إلى الغرب من مالقة .

809 في (أ) ، و (ح) : (للمسلمين المساكين الذميين) .

810 في (أ) ، و (ح) ، و (م) : (عنهم) ، و هو أوجَه .

811 ما بين المعكوفتَيْن ساقط مِن (أ) .

812 في (أ) : (أو) .

في الهجرة مع [أنَّهم] [813] قادرون عليها متى أحبوا ؟

و على تقدير أن لو رُخِّصَ له في ذلك فهل يرخص له أيضاً في الصلاة بثيابه حسب استطاعته ؟ إذ لا تخلو في الغالب عن نجاسة لكثرة مخالطته للنصارى ، و تصرفه بينهم ، و رقاده و قيامه في ديارهم في خدمة المسلمين الذميين حسبما ذُكر ؟

بيِّنوا لنا حكم الله في ذلك [كلِّه] [814] مأجورين مشكورين إن شاء الله تعالى ، و السلام الكثير يعتمد مقامكم العليّ و رحمة الله تعالى و بركاته .

فأجبته بما نصه :

الحمد لله تعالى و حده ، [الجواب] [815] ــ و الله تعالى وليّ التوفيق بفضله ــ :

إن إلهنا الواحد القهار ، قد جعل [الجزية] [816] و الصَغَار في أعناق ملاعين الكفار ، [سلاسلاً] [817] و أغلالاً يطوفون بها في الأقطار ، و في أمهات المدائن و الأمصار ؛ إظهاراً لعزة الإسلام ، و [شَرَفاً لنَبيِّهِ] [818] المختار ، فمن حاول من المسلمين ــ عصمهم [الله و وفرهم] [819] ــ انقلاب تلك السلاسل و الأغلال في عنقه فقد حاد الله و رسوله ، و عرض بنفسه إلى سخط العزيز الجبار ، وحقيق [أن] [820] يكبكبهُ [الله] [821] معهم في النار ، { كَتَبَ اللَّهُ لأَغْلِبَنَّ أَنَا و رُسُلِي إِنَّ اللَّهَ قَوِيٌّ عَزِيزٌ } [المجادلة : 21] .

فالواجب على كل مؤمن يؤمن بالله و اليوم الآخر السعي في حفظ رأس الإيمان بالبعد و الفرار عن مساكنة أعداء حبيب الرحمن ، و الاعتلالُ لإقامة الفاضل المذكور بما عرض من غرض الترجمة بين الطاغية و أهل ذمته من الدجن العصاة – لا يخلص من واجب الهجرة ، و

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813 في (أ) ، و (ح) ، و (م) : (أنّ أكثرهم) .

814 ما بين المعكوفتَيْن ساقط مِن (م) .

815 في (أ) : (و هذا الجواب) ، بزيادة (و هذا) .

816 في (أ) ، و (ح) ، و (م) : (الخزية) ، من الخزي .

817 في (أ) : (سلاسلَ) بمنعها من الصرف .

818 في (أ) ، و (ح) ، و (م) : (شرف نبيه) .

819 ما بين المعكوفتَيْن مكرر في الأصل .

820 في (أ) ، و (م) : (أنه) .

821 لفظ الجلالة غير موجود في الأصل .

لا يتوهم معارضةَ ما سطر في السؤال من الأوصاف الطردية لحكمها [الواجب] [822] ، إلا متجاهل أو جاهل معكوس الفطرة ، ليس معه من مدارك الشرع خبرة ؛ لأن مساكنة الكفار من غير أهل الذمة و الصغار لا تجوز و لا تباح ساعة من نهار ؛ لما تنتجه من الأدناس و الأوضار و المفاسد الدينية و الدنيوية طول الأعمار ؛ **منها** : أن غرض الشرع أن تكون كلمة الإسلام [شهادةً] [823] ، و شهادة الحق قائمة على ظهورها [غالبة] [824] على غيرها ، منزهة عن الازدراء بها ، و من ظهور [شعار] [825] الكفر عليها ، و مساكنتهم تحت الذل و الصغار تقتضي ـــ و لا بد ـــ أن تكون هذه الكلمة الشريفة العالية المنيفة سافلةً لا عالية ، و مزدرى بها لا منزّهةً . و حسبك بهذه المخالفة للقواعد الشرعية والأصول و بمن يتحملها و يصبر عليها مدة عمره من غير ضرورة و لا إكراه .

و **منها** : أن كمال الصلاة التي تتلو الشهادتين في الفضل و التعظيم و الإعلان و الظهور ، لا يكون و لا يُتصور إلا بكمال الظهور و العلو و النزاهة من الازدراء و الاحتقار ، [و] [826] في مساكنة الكفار ، و ملابسة الفجار تعريضها للإضاعة و الازدراء و الهزء و اللعب ، قال الله تعالى : { و إِذَا نَادَيْتُمْ إِلَى الصَّلاَةِ اتَّخَذُوهَا هُزُواً و لَعِباً ذَلِكَ بِأَنَّهُمْ قَومٌ لاَّ يَعْقِلُونَ } [المائدة : 58] . و حسبك بهذه المخالفة أيضاً .

و **منها** : إيتاء الزكاة ، و لا يخفى على ذي بصيرة و سريرة مستنيرة أن إخرج الزكاة للإمام من أركان الإسلام ، و شعائر الأنام ، و حيث لا إمام فلا إخراج [827] ؛ لعدم شرطها ، فلا

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822 في (م) : (بالواجب) .

823 ما بين المعكوفتين ساقط من (أ) ، و (ح) ، و (م) .

824 في (أ) ، و (ح) ، و (م) : (عالية) .

825 في (أ) : (شعائر) .

826 الواو ساقطة مِن (أ) .

827 هذا رأي غريب للونشريسي ، و يلزم منه إسقاط الزكاة عند فقد الإمام ، و إن وجد موجبها من التكليف و بلوغ النصاب ، و عليه فإن ركن إخراج الزكاة يسقط عن مسلمي عصرنا ، إذ لا إمام في جل أقطار الأرض .

بل الصواب و الله أعلم أن إخراج الزكاة للإمام واجب عند قيامه أمره بأدائها له ، أو لمن ينيبه من الجباة ، أو يستخلفهم من الولاة و العمّال ، و هذا هو مذهب السادة المالكية الحقُّ .

قال القرافي رحمه الله : قال سند : قال : فإن فرَّقَها ربُّها و الإمام عدلٌ أجزأته عند الجمهور ، و كذلك لو طلبَه [أي الإمام] فأقام على إيصالها إلى ربِّها [أي مستحقها من الأصناف الثمانية] بيِّنةً . و قال ابن القصَّار : إن طلبه الإمام العَدلُ غَرِمَها ، و إلا [أي إن لم يطلبه] أجزأَتهُ ، فإن لم تقم بينةٌ ، قال مالك و ابن القاسم : لا يُقبَلُ قولُه إن كان الإمام عَدلاً . و قال أشهَب : يُقبَلُ إن كان

زكاة لفقد مستحقها . فهذا ركن من أركان الإسلام منهدٌّ بهذه الموالاة الكفرية ، و أما إخراجها لمن يستعين بها على المسلمين فلا يخفى أيضاً ما فيه من [المناقضات] [828] للمتعبَّدات الشرعية كلها .

و **منها** صيام رمضان ، و لا يخفى أنه فرض على الأعيان ، و زكاة الأبدان ، و هو مشروط برؤية الهلال ابتداءً و انقضاءً ، و في أكثر الأحوال إنما تثبت الرؤية بالشهادة ، والشهادة لا تؤدى إلا عند الأئمة و خلفائهم ، و حيث لا إمام ، [لا خليفة ، فلا شهادة الشهر] [829] إذ ذاك مشكوك الأول و الآخر في العمل الشرعي .

و **منها** : حج البيت ، و الحج و إن كان ساقطاً عنهم ؛ لعدم الاستطاعة ، لأنها موكولة إليهم ، فالجهاد لإعلاء كلمة الحق و محو الكفر من قواعد الأعمال الإسلامية ، و هو فرض على الكفاية و عند مسيس الحاجة ، ولا سيما بمواضع هذه الإقامة المسئول عنها و ما يجاورها ، ثم هم : إما ضرورة مانعة منه على الإطلاق كالعازم على تركه من [غير] [830] ضرورة ، و العازم على [الترك] [831] [من غير ضرورة كالتارك] [832] قصداً مختاراً ، و إما مقتحمون نقيضه بمعاونة أوليائهم على المسلمين ، إما بالنفوس و إما بالأموال ، فيصيرون [حينئذ] [833] حربيين مع المشركين . و حسبك بهذه مناقضة و ضلالة .

و قد اتضح بهذا التقرير نقص صلاتهم و صيامهم و زكاتهم و جهادهم ، و إخلالُهُم

صالحاً ، فإن كان الإمام جائراً فلا تُدفَعُ إليه ؛ لئلا تضيع على مستحِقِّها . قال أشهَب : إن دفعها إلى غير العدل مع إمكان إخفائها لم تجزئه إلا أن يُكرِهَه ، فلعلَّها تجزيء . و قال ابن القاسم : إن أخذها الجائر أو عِوَضاً عنها ، و هو يضعها مواضعها أجزَأَت ، وإلا فلا تجزيء طوعاً و لا كرهاً ، صدقةً و لا عِوَضاً . قال أصبغ : و الناس على خلافه ، و أنها تجزيء مع الإكراه ، قال أصبغ : فلو دَفَعَها طوعاً إليه فأحَبُّ إليَّ أن يُعيد . اهـ .

الذخيرة ، للقرافي : 134 ، 135 .

828 في (أ) ، و (ح) ، و (م) : (المناقضة) .

829 المثبت مِن (ح) ، و (م) ، و في الأصل : (لا خليفة فالشهادة الشهر) و يبدو أن ثمة سقط قبل كلمة (الشهر) ، و في (أ) : (و لا خليفة و لا شهادة) ثم بياض قبل كلمة (الشهر) و على كل حال فالعبارة مُشكِلةٌ ، و أقربُها ما أثبتناه مِن (ح) ، (م) ، و الله أعلم بالصواب .

830 ما بين المعكوفتَيْن ساقط مِن (ح) ، (م) .

831 في (م) : (تركه) .

832 ما بين المعكوفتَيْن ساقط من الأصل ، و هو في : (أ) ، و (ح) ، و (م) : ، و قد أثبتناه لأن السياق يقتضيه .

833 ما بين المعكوفتَيْن ساقط مِن (أ) .

بإعلاء كلمة الله و شهادة الحق ، و إهمالهم [لإجلالها] [834] و تعظيمهما و تنزيهها عن ازدراء الكفار ، و تلاعب الفجار ، فكيف يتوقف متشرع أو يشك متورع في تحريم هذه الإقامة مع استصحابها لمخالفة جميع هذه القواعد الإسلامية الشريفة الجليلة ، مع ما ينضم إليها و يقترن بهذه المساكنة المقهورة مما لا ينفك عنها غالباً من التنقيص الدنياوي و تحمل الذلة والمهانة ؟! و هو مع ذلك مخالف لمعهود عزة المسلمين ، و رفعة أقدارهم ، و داع إلى احتقار الدين و اهتضامه ، و هو أمور أيضاً تصطك منها المسامع :

منها : الإذلال و الاحتقار و الإهانة ، و قد قال عليه السلام : (**لا ينبغي لمسلم أن يذل نفسه**) [835] ، و قال : (**اليد العليا خير من اليد السفلى**) [836] .

و منها الازدراء و الاستهزاء ، و لا يتحملهما ذو مروءة فاضلة من غير ضرورة .

و **منها** السب و [الإذاية] [837] في العرض ، و ربما كانت في البدن و المال ، و لا يخفى ما فيه من جهة السنة و المروءة .

و **منها** الاستغراق في مشاهدة المنكرات ، و التعرض لملابسة النجاسات ، و أكل المحرمات و المتشابهات .

و **منها** : ما يُتوقَّع مَخُوفاً في هذه الإقامة ، و هو أمور أيضاً :

منها : نقض العهد من المَلك و التسلط على النفس و الأهل و الولد و المال ، و قد روي أن عمر بن عبد العزيز [رضي الله عنه] [838] نهى عن الإقامة بجزيرة الأندلس مع أنها كانت

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834 في (أ) ، و (م) : (لإجلاها) .

835 حديث صحيح رواه الترمذي : 4 / 522 ، 523 في كتاب الفتن ، باب رقم (67) ، حديث رقم (2204) ، و ابن ماجة : 2 / 384 في كتاب الفتن ، باب قوله تعالى : (يا أيها الذين آمنوا عليكم أنفسكم) ، حديث رقم (4066) ، و أحمد في المسند : 16 / 628 ، حديث رقم (23336) عن حذيفة بن اليمان رضي الله عنه قال : قال رسول الله صلى الله عليه و سلم : (لا ينبغي للمؤمن أن يُذِلَّ نفسه) . قالوا : و كيف يذلُّ نفسَه ؟ قال : (يتعرّض من البلاء لما لا يطيقه) .

836 رواه البخاري : 3 / 345 في كتاب الزكاة ، باب : لا صدقة إلا عن ظهر غِنى ، حدبث رقم (1427) عن حكيم بن حزام رضي الله عنه ، و رواه أيضاً : 9 / 410 في كتاب النفقات ، باب وجوب النفقة على الأهل و العيال ، حديث رقم (5355) عن أبي هريرة رضي الله عنه . و رواه مسلم : 2 / 145 ، 146 في كتاب الزكاة ، باب بيان أن اليد العليا خيرٌ من اليد السفلى ، حديث رقم (1033) عن عبد الله بن عمر رضي الله عنهما ، و برقم (1402) عن أبي هريرة رضي الله عنه .

837 في (أ) : (الأذيَّة) .

838 ما بين المعكوفتَيْن ساقط من (أ) ، و (ح) ، و (م) .

في ذلك الوقت رباطاً لا يُجهَل فضلُه ، و مع ما كان المسلمون عليه من القوة و الظهور و وفور العَدَد و العُدَد ، لكن مع ذلك نهى عنه خليفة الوقت المتفق على فضله و دينه و صلاحه و نصيحته لرعيته [839] ؛ خوف التغرير ، فكيف بمن ألقى نفسه و أهله و أولاده بأيديهم عند قوتهم و ظهورهم و كثرة عَدَدِهم و وفور عُدَدِهم ؛ اعتماداً على وفائهم بعهدهم في شريعتهم ؟! و نحن لا نقبل شهادتهم بالإضافة إليهم فضلاً عن قبولها بالإضافة إلينا ، و كيف نعتمد على زعمهم بالوفاء مع ما وقع من هذا التوقع ، و مع ما يشهد له من الوقائع عند من بحث و استقرأ الأخبار في معمور الأقطار .

و **منها** : الخوف على النفس و الأهل و الولد و المال أيضاً من شرارهم و سفهائهم و مغتاليهم ، هذا على فرض وفاء دَهَاقِينِهم [840] و مَلِكِهم ، و هذا أيضاً [يشهد] [841] له العادة ، و يقر بها الوقوع .

و **منها** : الخوف من الفتنة في الدين ، و هب أن الكبار العقلاء قد يأمنونها ، فمن يؤمن الصغار و السفهاء و ضعفة النساء إذا انتدب إليهم دهاقين الأعداء و شياطينهم ؟

و منها الخوف من الفتنة على الأبضاع و الفروج ، و متى يأمن ذو زوجة أو ابنة أو قريبة وضيئة أن يعثر عليها [وضيع من كلاب الأعداء] [842] و [خنازير] [843] البُعَداء فيغرّها في نفسها ، و [يغترها] [844] في دينها ، و يستولي عليها و تطاوعه و يحال بينها و بين وليِّها بالارتداد و الفتنة في الدين ، كما عرض لكَنّة المعتمد بن عباد [845] ، و من لها من الأولاد ،

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839 قال ابن خلدون : (رأى عمر بن عبد العزيز أن يخرج المسلمين منها لانقطاعهم عن قومهم وأهل دينهم ، و شاور في ذلك كبار التابعين و أشراف العرب فرأوه رأياً ، و اعتزم عليه لولا ماعاقه من المنية) . تاريخ ابن خلدون : 7 / 250 ، و انظر : الكامل في التاريخ ، لأبي الحسن الشيباني : 5 : 120 .

840 الدهاقين : جمع دهقان ــ بكسر الدال و ضمّها ــ و هو لفظ معرَّب يطلَق على : رئيس القرية ، أو رئيس الإقليم ، أو القادر على التصرف مع شدّةٍ خبرة ، أو من له مالٌ و عقار ، أو التاجر ، و هذه المعاني جميعاً يحتمل أن تكون مرادةً هنا .

انظُر : المصباح المنير ، ص : 77 ، و المعجم الوسيط : 1 / 310 .

841 في (أ) ، و (ح) ، و (م) : (تشهد) .

842 ما بين المعكوفتَيْن مكرر في الأصل .

843 في (م) : (خنازيرهم) .

844 في (أ) : (يغرها) .

845 هو المعتمد على الله أبو القاسم محمد بن عبّاد بن محمد اللخمي ، صاحب اشبيليّة و قرطبة و ما حولهما ، و أحد أفراد الدهر شجاعةً و حزماً ، ولد في باجة بالأندلس سنة (431 هــ) ، و ولي إشبيلية بعد وفاة أبيه سنة (461 هــ) ، و استتب له

أعاذنا الله من البلاء و شماتة الأعداء .

و **منها** : الخوف من سريان سيرهم و [لباسهم و لسانهم] [846] و عوائدهم المذمومة إلى المقيمين معهم بطول السنين ، كما عرض لأهل آبُلّة [847] و غيرهم ، و فقدوا اللسان العربي جملةً ، و إذا فقد اللسان [العربي] [848] جملةً فقدت متعبداته [849] ، و ناهيك من فوات المتعبدات اللفظية مع كثرتها و كثرة فضلها .

و **منها** : الخوف من التسلط على المال بإحداث الوظائف الثقيلة و المغارم المجحفة المؤدية إلى استغراق المال ، و إحاطة الضرائب الكفرية به في دفعة واحدة في صورة [ضرورة] [850] وقتية ، أو في دُفَع ، وإما استناد إلى تلفيق من العذر و التأويل لا تستطاع مراجعتهم فيه ، و لا مناظرتهم عليه ، و إن كان في غاية من الضعف ، و وضوح الوهن و

الأمر ، فقصده العلماء و الشعراء و الأمراء ، و ما اجتمع بباب أحد من معاصريه ما كان يجتمع في بابه من أعيان الأدب ، و كان فصيحاً شاعراً له ديوان شعر مطبوع . أرسل إليه ملك الروم (ألفونس السادس) سنة (478 هـ) يهدده و يدعوه إلى النزول عما في يده من الحصون ، فاستعان بيوسف بن تاشفين صاحب مراكش ، و ملوكِ الأندلس ، و التقى بمَن معهُ جيشَ ألفونس في معركة (الزلاقة) الشهيرة سنة (479 هـ) التي أبيد فيها أكثر عساكر الروم ، و ثبت فيها المعتمد ثباتاً عظيماً ، و في سنة (483 هـ) ، ثارت فتنة في قرطبة قُتِل فيها ابنه أحد بنيه ، و فتنة أخرى في إشبيلية أطفأ المعتمد نارها فخَمَدَت ثم اتَّقَدَت من جديد (بخيانة) و ظهر من ورائها جيش يقوده أحد قواد ابن تاشفين ، و حوصر المعتمد في إشبيلية ، و قتل اثنان من أبنائه ، و فُتَّ في عضُده فاستَسلَم سنة (484 هـ) ، و أدخِل على ابن تاشفين في مراكش ، فنفاه إلى (أغمات) و هي بلدة صغيرة قريبة من مراكش ، عاش المعتمد سجيناص في (أغمات) إلى أن مات سنة (488 هـ) .

أما كنته التي ذكرها الونشريسي فهي (زايدة) ، فرَّت إلى معسكر الروم مُرتدّةً عن الإسلام ، و تنصّرت ، و اتخذها ألفونس السادس سريّة (زوجة غير شرعية) له ، فأنجبت له ولده الوحيد (سانشو) ، و هلَكَت أثناء وضعِه ، أما ابنها فقتله المرابطون في معركة (اقليش) سنة (501 هـ) .

انظُر ترجمَة المعتمد في : وفيات الأعيان : 5 / 21 و ما بعدها ، ترجمة رقم (686) ، و الأعلام ، للزركلي : 6 / 181 .

846 في (أ) ، و (ح) ، و (م) : (لسانهم و لباسهم) .

847 مدينة آبلة (Avila) افتتحها المسلمون سنة (145 هـ) أيام عبد الرحمن الداخل ، و استمرت تحت حكمهم أكثر من مائة عام ثم سقطت في أيدي الفرنجة ، و ما لبث المسلمون أن كروا عليها فافتتحوها من جديد ، و دانت لهم ، و أسلم أهلها ، و ظلت كذلك حتى سقوطها الأخير سنة 481 للهجرة ، في يد الفرنجة ، حيث عمدوا إلى جلب النصارى إليها من كل مكان حتى صار أهلها من المسلمين أقلية ، ما لبثت أن ذابت في المجتمع الجديد ، ففقدت لغتها و كثيراً من معالم و شعائر دينها ، و تلاشت تماماً في القرن الهجري الحادي عشر .

848 في (أ) ، و (م) : (العربية) .

849 يريد هنا العبادات المؤداة بالنطق باللسان العربي من أذكار و أدعية و تلاوة للقرآن الكريم و نحو ذلك .

850 ما بين المعكوفتَيْن ساقط مِن (م) .

الفساد ، فلا يقدم على ذلك خوفاً من أن يكون سبباً لتحريك دواعي الحقد ، و داعية لنقض العهد و التسلط على النفس و الأهل و الولد ، و هذا يشهد له الوقوع عند من بحث ، بل ربما وقع في موضع النازلة المسئول عنها و في غيره غير مرة .

فقد ثبت بهذه المفاسد الواقعة و المتوقعة تحريم هذه الإقامة ، و حظر هذه المساكنة المنحرفة عن الاستقامة ، من جهات مختلفة متعاضدة مؤدية إلى معنى واحد ، بل قد نقل الأئمة حكم هذا الأصل إلى غيره ؛ لقوته و ظهوره في التحريم ، فقال إمام دار الهجرة أبو عبد الله مالك بن أنس رضي الله عنه : (إن آية الهجرة تعطي أن كل مسلم ينبغي أن يخرج من البلاد التي تُغَيَّرُ فيها السنن ، و يعمل فيها بغير الحق) ، فضلاً عن الخروج و الفرار من بلاد الكفرة ، و بقاع الفجرة ، و معاذ الله أن تركن لأهل التثليث أمة فاضلة توحده و ترضى بالمقام بين أظهر الأنجاس الأرجاس ، وهي تعظِّمه [و تمجِّده] [851] .

فلا فسحة للفاضل المذكور في إقامته بالموضع المذكور للغرض المذكور ، و لا رخصة له و لا لأصحابه فيما يصيب ثيابهم و أبدانهم من النجاسات و الأخباث ؛ إذ العفو عنها مشروط بعسر التوقِّي و التحرُّز ، و لا عسر مع اختيارهم للإقامة و العمل على غير استقامة .

و الله سبحانه [و تعالى] [852] أعلم ، و به التوفيق .

و كتب مسلِّماً على من يقف عليه من أهل لا إله إلا الله العبد المستغفر الفقير الحقير ، الراغب في بركة من يقف عليه ، و ينتهي إليه ، عبيد الله أحمد بن يحيى بن محمد بن علي الونشريسي ، وفقه الله .

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851 ما بين المعكوفتَيْن ساقط مِن (أ) .

852 ما بين المعكوفتَيْن ساقط مِن (أ) .

Appendix S: (Full Translations of the two fatwas are forthcoming Insha'Allah in the second edition)

Appendix T:

Arabic fatwa of Mufti of Wahran, (Ahmed Ibn Bujuma'a Al Magrawi Al Wahrani), in 1504. I have added numerals for clarity. (Source: Prof. Muhammad Abdullah I'nan Khilal from his research at the Vatican Library in Rome in his "General Encyclopedia of History of the Maghrib and Andalus" and Dr. Ahmed Bin Yusuf Al Da'eej from his Al Tareekh al Siyasiyee lil Maghrib wal Andalus/A Political History of the Maghrib and Andalus lecture series)

الحمد لله والصلاة على سيدنا محمد وآله وصحبه وسلم تسليما

اخواننا القابضين على دينهم، كالقابض على الجمر، من أجزل الله ثوابهم فيما لقوا في ذاته. وصبروا النفوس والأولاد في مرضاته، الغرباء القرباء إن شاء الله من مجاورة نبيه في الفردوس الأعلى من جناته، وارثوا سبيل السلف الصالح في تحمل المشاق وإن بلغت النفوس إلى التراق، نسأل الله أن يلطف بنا وأن يعيننا وإياكم على مراعاة حقه بحسن إيمان وصدق، وأن يجعل لنا ولكم من الأمور فرجاً، ومن كل ضيق مخرجاً، بعد السلام عليكم من كتابه إليكم، من عبيد الله أصغر عبيده وأحوجهم إلى عفوه ومزيده، عبيدالله تعالى أحمد ابن بوجمعة المغراوي ثم الوهراني. كان الله للجميع بلطفه وستره، سائلاً من اخلاصكم وغربتكم حسن الدعاء بحسن الخاتمة والنجاة من أهوال هذه الدار والحشر مع الذين أنعم الله عليهم من الأبرار ومؤكداً عليكم في ملازمة دين الإسلام، آمرين به من بلغ من أولادكم، ان لم تخافوا دخول شر عليكم من إعلام عدوكم بطويتكم، فطوبى للغرباء الذين يصلحون إذا فسد الناس، وإن ذاكر الله بين الغافلين كالحي بين الموتى

1) فاعلموا أن الأصنام خشب منجور وحجر جلمود لايضر ولاينفع وان الملك ملك الله ما اتخذ الله من ولد، وما كان معه من إله. فاعبدوه واصطبروا لعبادته،

2) فالصلاة ولو بالإيماء،

3) والزكاة ولو كأنها هدية لفقيركم أو رياء، لأن الله لاينظر إلى صوركم، ولكن إلى قلوبكم،

4) والغسل من الجنابة ولو عوماً في البحور

5) وإن منعتكم فالصلاة قفاء بالليل لحق النهار وتسقط في الحكم طهارة الماء وعليكم بالتيمم ولو مسحاً بالأيدي للحيطان فإن لم يكن فالمشهور سقوط الصلاة وقضاؤها لعدم الماء والصعيد إلا أن يمكنكم الإشارة إليه بالأيدي والوجه إلى تراب طاهر أو حجر أو شجر مما يتمَّم به، فأقصدوا بالإيماء، نقله ابن ناجي في شرح الرسالة لقوله صلى الله عليه وسلم فأتوا منه ما استطعتم.

6) وإن اكرهوكم في وقت صلاة إلى السجود للأصنام أو حضور صلاتهم فأحرموا بالنية وأنووا صلاتكم المشروعة وأشيروا لما يشيرون إليه من صنم ومقصودكم الله. وإن كان لغير القبلة تسقط في حقكم كصلاة الخوف عند الالتحام،

7) وأن أجبروكم على شرب خمر، فاشربوه لابنية استعماله.

8) وإن كلفوا عليكم خنزيراً فكلوه ناكرين إياه بقلوبكم ومعتقدين تحريمه.

9) وكذا إن أكرهوكم على محرّم. وإن زوجوكم بناتهم فجائز لكونهم أهل الكتاب وإن أكرهوكم على إنكاح بناتكم منهم فاعتقدوا تحريمه لولا الإكراه، وأنكم ناكرون لذلك بقلوبكم ولو وجدتم قوة لغيَّرتموه.

10) وكذا إن أكرهوكم على ربا أو حرام فافعلوا منكرين بقلوبكم ثم ليس عليكم إلاّ رووس أموالكم وتتصدقوا بالباقي، إن تبتم لله تعالى

11) وإن اكرهوكم على كلمة الكفر فإن أمكنكم التو ريۃ والإلغاز فافعلوا، وإلا فكونوا مطمئنين القلوب بالإيمان ان نطقتم بها ناكرين لذلك وإن قالوا اشتموا محمداً فإنهم يقولون له مُمَدْ، فاشتموا مُمَداً، ناوين انه الشيطان أو مُمَد اليهود فكثير بهم اسمه

12) وإن قالوا عيسى ابن الله فقولو إن اكرهوكم. و انووا اسقاط مضاف اي عبدالله مريم معبود بحق وإن قالوا قولو المسيح ابن الله فقولوها اكراها و انووا بالاضافة للملك كبيت الله لا يلزم ان يسكنه أو يحل به

13) وإن قالوا قولو مريم زوجة له فانووابالضمير ابن عمها الذي تزوجها في بني اسرائيل ثم فارقها قبل البناء. قاله السهيلي في تفسيرالمبهم من الرجال في القران أو زوّجها الله منه بقضائه و قدره

14) وإن قالوا عيسى توفى بالصلب فانووا من التوفية والكمال والتشريف من هذه وإماتته وصلبه وإنشاد ذكره إظهار الثناء عليه بين الناس وأنه استوفاه الله برفعه إلى العلو

ومايعسر عليكم فابعثوا فيه إلينا نرشدكم إن شاء الله على حسب ماتكتبون به.
وأنا أسأل الله أن يديل الكرة للإسلام حتى تعبدوا الله ظاهراً بحول الله من غير محنة ولا وجلة بل بصدمة الترك الكرام . ونحن نشهد لكم بين يدي الله أنكم صدقتم الله ورضيتم به ولابد من جوابكم والسلام عليكم جميعاً. بتاريخ غرة رجب عام عشرة وتسعمائة عرف الله خبره.

“يصل إلى الغرباء إن شاء الله تعالى”

Appendix U:

English translation of fatwa of Mufti of Wahran, (Ahmed Ibn Bujuma'a Al Magrawi Al Wahrani) in 1504. Source: L.P. Harvey Muslims in Spain 1500-1614, (with missing parts translated by me, and are in italics)

All praise is due to Allah, and prayers upon our Master Muhammad (صلَّى الله عليه وسلَّم) and upon his family and his companions and give them abundance and peace.

Our brothers who are steadfast upon their deen are like someone who holds on to hot coals, who Allah subhanahu wa ta'aala has rewarded abundantly due to what they faced in His path and they made their children and themselves patient for the pleasure of Allah. The *ghuraba* [strangers] the closest, by the Will of Allah, to His Prophet (صلَّى الله عليه وسلَّم) in *Al Firdaws*, the uppermost, in *Jannah* [paradise], who are the inheritors of the *Salaf* [the pious predecessors] in their endurance of hardships even if the souls reached the throat. We pray to Allah to help us and you to observe His right with beautiful *iman* and truthfulness, and to make us and you of those whose affairs He eases, and of those whose distresses He removes.

After *As Salam Aleykum* from His Book to you, from the most insignificant slave of the slaves of Allah who needs His forgiveness and His bounty, the slave of Allah, the most high, Ahmed Ibn Bujmua'a Al Magrawi Al Wahrani. May Allah grant His mercy and protection for all.

As sincere and estranged [*ghareeb*] brothers, I ask you to pray for me beautiful prayers for a beautiful end and salvation in this world. The gathering with those whom Allah has favored [the pious] and I advise you to adhere to the *deen* of Islam that you may adhere to the deen of Islam, and that you may instruct in it those of your chidren who reach maturity. If you fear that harm will result from the enemy coming to know your inner thoughts, blessed are those *ghuraba*[853] who do what is right when others fall into corrupt ways, for indeed he who remembers to worship Allah when those around him forget to do so is like a man who is alive among the dead.

1) Know that idols are carved wood and hard stone which can cause you no harm and can do you no good, it is to Allah that the kingdom belongs. Allah did not take to Himself a son, and alongside him there is no other Allah, so He is the one you must worship, and you must display perseverance in your adoration of him.
2) So [perform] *Salat* even though only by making some slight movements (bi'l-ima')
3) And [you must contribute] ritual alms (zakat), even though as if apparently it is a hypocritical show of generosity to a beggar (for Allah does not look at your face, but into your heart)

[853] The pertinent hadith has been provided in the text of this book. It is:*Islam began as something strange, and it would revert to its (old position) of being strange, so good tidings for the Ghuraba*.

4) And [perform] ritual ablutions (*gusl*) after major pollution, even though by plunging into the sea.
5) If you are prevented from praying, then you should make up at nighttime what you have had to omit during the day; and when ritually pure water is for practical purposes lacking, then you must wipe yourself clean [in the ritually approved fashion—*tayammum*], even if it is just by rubbing your hands clean on a wall. If that is not possible, the generally held view is that the prayer and its execution are not required in the absence of water or clean stone, although you should make some slight pointing motion with your hands or face towards clean earth or stone or a tree such as would have been ritually acceptable for that purpose (this is as taught by Ibn Naji in his commentary to the *Risala*[854], and is based on the Prophet's words: "Take from them whatever they can bring").
6) If, at the hour of prayer, they force you to prostrate yourself before their idols, or make you attend their prayers, maintain it as your firm intention to consider what they do as forbidden, and have it as your desire to carry out the prayer prescribed by Islamic law, bow down to whatever idols they are bowing to, but turn your intention towards Allah. Even if the direction is not that of Makka, that requirement may be disregarded, as it is in the case of prayer when in danger on the battlefield, [***Salat Al Khawf***]
7) If they oblige you to drink wine, you may do so, but let it not be your intention to make use of it.
8) If they force pork on you, eat it, but in your heart reject it, and hold firm to the belief that it is forbidden. In the same way, if they force you to do anything which is forbidden.
9) If they force you to marry their daughters, that is permissible, for they are people with a scripture [*Ahl Al Kitab*], and if they oblige you to give your daughters in marriage in marriage to them, then you should cleave firmly to the belief that it is forbidden, were you not under duress, and abhor it in your hearts, so that you would do otherwise, if you were able.
10) In the same way, if they force upon you the taking of usury, or some other unlawful thing, do it, but reject it in your heart, and only keep back for yourself the original capital sum invested, and if you repent, then give the rest away as charity.
11) If they oblige you to pronounce words of blasphemy, do what they ask, but employ whatever strategems of equivocation you can, and if you do pronounce the words they require, continue to put your trust in the faith. If they say to you: "Curse Muhammad," then, bearing in mind that they pronounce it as "Mamad," curse "Mamad," and signify thereby the Devil, or else the Jewish Mamad [presumably the Mufti has in mind the Sephardic synagogue official called the Mahamad], since it is a common name among them.
12) If they say, "Jesus is the son of Allah," say that if they force you to, but let it be your intention to say it without the words in the possessive case [i.e. "of Allah"], namely, that the servant of Allah, the son of Mary, who is rightly revered. If they say, "Say the Messiah is the son of Allah," then say that, but intend it to be a genitive possessive phrase, in the same way as one can say, "the house of Allah [Bait Allah]," without meaning that Allah actually resides there.
13) If they give you the order, "Say Mary is His wife," then say that, but intend the possessive pronoun to refer to her cousin, who married her in the time of the Israelites, and then

[854] A book of *fiqh* written by 'Abdullah ibn Abi Zayd al-Qayrawani

separated from her before the birth (as explained by Al Suhayli in his commentary to *Al Muhkam Min Al Rijal fi'l Quran*), or else mean that Allah out of his might and power brought about her marriage.

14) If they say Jesus died on the cross, mean by that that he perfected thereby the mortification of his flesh, his suffering, and the publishing of his praise among mankind, and that Allah brought this about when he raised him to heaven

Anything which present difficulties to you should be sent to me, and, Allah Willing, we will set you aright in the light of what you write.

I pray that Allah may so bring it about that Islam may be worshipped openly without ordeals, tribulations or fear, thanks to the success of the attack of the noble Turks. We reassure you before Allah that you have served him, and done his command. You must reply. Greetings to you all.

Dated at the close of *Rajab* 910 [CE 1504].

"To be sent to the *guraba*"

Appendix V:

Letter from Uthmani Khalifa to Ibn Ummaya to Explain Why He Can Not Send Substantial Help (January 1569). Source: Turkish National Archives

مهمة دفتري رقم 14 حكم رقم 231 بتاريخ 24 شوال عام 977ه موافق 20-1-1569م, أعطي إلى خليل جاوخي في 10 ذي القعدة. حكم إلى اهالي الأندلس.

وصل إلى استانة سعادتنا عرض حالكم الذي جاء فيه أن الكفارة, دمرهم الله و أضلهم, قد سلبوكم أسلحتكم و منعوكم من التحدث بالعربية, و أنهم يتعرضون انسائكم و يمارسون كل أنواع الظلم و التعدي عليكم. و تعلمون أنه يوجد حاليا لديكم عشرون ألف رجل مسلم كما أن هناك مائة ألف رجل قادر على حمل السلاح. و علمنا باستلامكم مقدارا من السلاح من الجزائر, و أن ذلك قد ربط على قلوبكم, و تمكنتم بذلك من تكبيد الكفار العديد من الخسائر. فالحمد لله على نصر أهل الإسلام, و ليكتب لهم الفوز الدائم على الكفار, أضلهم الله .وقد عرض بالتفصيل كل ما جاء في عرض حالكم من تحريرات و تقريرات على سرير سعادتنا, و أحاط علمي الشريف الملوكي و شمل كل ما يتعلق بأحوالكم و أخباركم, و أن أنظاري منصرفة دائما نحوكم ".

"و لكن كفرة جزيرة قبرص القريبة من ممالكي المحروسة, و التي كانت على العهد و

الامان منذ زمان اجدادي العظام, أنار الله براهينهم, نقضوا تلك العهود و أخذوا بالتعدي على التجار و أهل الإسلام و المسافرين بحرا لطواف بيت الله الحرام و زيارة تربة حضرة سيد الأنام عليه أفضل الصلاة و السلام بخلوص النية و صفاء الطوية. و بذلك فإنهم مصرون على العصيان و الطغيان .لذا بعد التوكل و الإعتماد على علو عناية الحق سبحانه و تعالى و التوسل و الإسناذ إلى المعجزات كثير البركات لفخر الموجودات صلوات الله عليه و سلامه. و كذلك بالإستمداد بالأرواح الطاهرة لسائر الصحابة الكرام, عليهم رضوان الله تعالى أجمعين, فقد استقرت نيتنا الملوكية على فتح و تسخير الجزيرة المذكورة في الربيع الأخر القادم. و نضرع إلى عتبة حضرة الحق جل وعلا أن ييسر لنا فتح و تسخير تلك الجزيرة و أن يبسط أيدينا عليها حتى تؤهل لأهل الإسلام, كما كانت عليه, و كي تقام فيها شعائر الشرع الشريف, و حتى يأمن التجار في غدوهم و رواحهم, و ينصرفوا للدعاء بثبات و مجد و رفعة دولة ."

"و بما ان الوضع على هذا الحال, فإن إرسال الأسطول الهمايوني المظفر لحمايتكم سيتأخر ريثما يتم إيصال المراكب للعساكر المنصورة للجزيرة المذكورة. و سيتم ذلك إثر إنهاء الأسطول لمهمته بعناية الحق. و قد أرسل أمري الهمايوني المؤكد إلى امير أمراء الجزائر الذي تتجه أنظاره و أفئدته نحوكم لإرسال النجدة و المعونة لكم, إما بإرسال العساكر المظفرة أو بإرسال العدة و العتاد, و بموجب أمري الشريف فإن أمير أمراء الجزائر سيكون خير معين و ظهير لكم ."

"كما أننا نتوخى من خلال حميتكم الإسلامية المتأصلة في حلبتكم عدم التراخي عن

إظهار غيرتكم على الدين المتين, فلتظهروا أنواع أخدامكم و أصناف اهتمامكم في الحرب و القتال و الجدال ضد الكفار الاذلاء. و المأمول ألا يضن علماء و صلحاء و سائر أهل الإسلام في تلك الديار بالدعاء ليل نهار بتيسير الفتح و النصر للغزوة المظفرة. و لا تتوانوا عن إعلامنا باستمرار عن أحوال و أوضاع تلك الديار."

Task Book #: 14
Ruling #: 231
Dated: 24 Shawwaal 977 Hijri/January 20th 1569
Presented to Khaleel Jawkhee on 10th Dhil Qa'ada
Title: **A Ruling to the Inhabitants of Andalus**

It has reached our majesty that the disbelievers, May Allah destroy them and lead them astray, have disarmed you and prevented you from speaking Arabic and they rape your women, and they inflict all types of injustice and wrongdoings upon you. You know that currently with you are 20,000 men. Additionally, there are 100,000 men able to bear arms. We have learnt that you have received some weapons from Algiers and that made your hearts firm so you managed to cause them many losses. So praise be to Allah for giving victory to the Muslims and may Allah ordain for them permanent success against the disbelievers and May He lead them astray. All the written and spoken news [about you] came in detail to our majesty. All the news which is related to your situation is surrounded in my noble and royal knowledge and my concerns always revolve around you.

But the disbelievers of the island of Cyprus, which is near to my safeguarded domains, are those who have the covenant of protection [from us] since the time of my glorious ancestors -May Allah enlighten their proofs- broke their covenants and started to attack the merchants, the Muslims, sea travelers on their way to circumambulate the sacred house of Allah (*Al Ka'ba*), to visit the *Masjid Al Nabawi* and pilgrimage, to the soil which is in the presence of the Honorable Master of the human race, with sincere intentions[855]. Despite this, the disbelievers are insistent upon disobedience and exceeding the limits. Therefore, after trust in Allah and invoking the Prophet (صلَّى الله عليه وسلَّم) and seeking aid from the pure spirits of the companions[856] (May Allah be pleased with all of them) of the Prophet (صلَّى الله عليه وسلَّم), our royal intention has settled upon conquering and subjugating of the already mentioned island [Cyprus] next *rabee' al Aakhir*. We ask Allah *jalla wa 'ala* humbly to make the conquest and subjugation of this island easy for us and to lay it open in our hands and to make it fit for the Muslims as it was before and to establish the rituals of the noble *Shari'ah* and for the merchants to be safe during their departures and arrivals and that they make supplications for the state to be firm and glorious and elevated.

Since this is the situation, the dispatching of the victorious Royal Navy for your protection will be delayed pending the delivery of the vessels to the victorious army [dispatched to] the mentioned Island [Cyprus] with the Care of Allah.

My firm royal command has been sent to the governor of Algiers who is always concerned about you to rescue and help you, either by sending victorious armies or by sending supplies and equipment. Because of my noble command, the governor of Algiers will be the best supporter and backer for you.

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[855] i.e. going to madinah
[856] *tawassul*

Additionally, we expect on relying on your Islamic enthusiasm, deep-rooted in your land, never tiring from showing your jealousy of this lasting religion, so make apparent [to the Spanish] your many abilities and grievances in the war against the humiliated disbelievers. And it is hoped from the scholars, reformers and the Muslims not to refrain from supplications day and night for the conquest to be made easy and for victory in the triumphant *ghazwa*[857] and don't slacken in informing us continuously about the situation of that land.

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[857] Raid

Appendix W:

Letter from Mawlavi Ibn Abu to Uruj Ali Pasha, the Uthmani Governor of Algiers, Asking for Aid for Al Bushra Jihad (1570). (*Source: Inb'aath Al Islam BilAndalus by Professor Ali Montasir Al Kataani, p. 112-113, and is also found in Muslims of Spain: 1500-1614 by L.P. Harvey, p.339)*

و بعد التوكل على الله راسل مفتي القسطنطينية العثمانية حاتا إياه على إقناع السلطان العثماني أنذاك سليم الثاني بإرسال مساعدات عسكرية عاجلة للأندلسيين .

و أمام هذا الوضع الحرج أخذ السلطان ابن عبو يستغيث بالدولة العثمانية من جديد. فأرسل كتابا إلى امير أمراء الجزائر, علي باشا, وأخر إلى مفتي القسطنطينية مؤرخا ب11 شعبان عام 977 ه (11-2-1570م-) هذا نصه:

بسم الله الرحمان الرحيم, العزة لله ,من عبد الله المتوكل على الله, الحي بفضله و قدرته, المجاهد في سبيله ,أمير المؤمنين, المستمسك بشريعة الله, مبيد الكفار و قاهر جيوش العاصين لله, مولاي عبد الله محمد بن عبو, بارك الله مسعاه, وسدد خطاه ليسترد عزة الأندلس, و يجدد نهضتها, نصرها الله القدير, و هو القادر على كل شيء, إلى صديقنا و حبيبنا الخاص, السيد العظيمو و الشريف الكريم, السامي المتقدم , العامل المحسن, الخائف من الله, أنعم الله عليه بنعمة الغفران"

"أما بعد فسلام الله عامة على دولتنا العلية, و نعمته و بركاته الوفيرة .أيها الأخ العزيز, لقد بلغتنا أنباء دولتكم العلية, و شخص السلطان الكريمو وما صدر عنه العطف على التعساء البائسين, و أنه سأل عنا, مهتما لمعرفة ما يجري لدينا, وأنه اهتم و

تألم لما أصابنا من ضنك و نصب على أيدي أولائك النصارى, و أن صاحب الجلالة و العظمة السلطان قد أرسل إلينا كتابا مختوما بخاتمه يعدنا فيه بالنصرة بعدد وافر من الرجال المسلمين, و بما نحتاج إليه من العون و العدد التي تسمح لنا بالحفاظ على هذه الأرض."

"و بما أننا نقاسي المتاعب الشديدة في هذه الأزمة المريرة, فإننا نلجأ من جديد إلى الباب العالي, نطلب النجدة و المعونة و النصر عن يدكم. فالنجدة النجدة, بالله القاهر فوق الناس جميعا. ونرجو من سيادتكم إعلام السلطان القادر بأحوالنا و إخباره بأخبارنا, بالحرب الكبرى التي نخوضها, وقولوا لعظمنه إنه إذا أراد أن يشملنا برعايته و عطفه فليبادر إلى إنجادنا بسرعة قبل أن نهلك, فهناك جيشان قويان يتجهان إلينا لمهاجمتنا من جهتين. و إننا إذا مااندحرنا في المعركة, فإن الله سبحانه سيحاسبه على ذلك حسابا عسيرا يوم القيامة, يوم لا تنفع القوة في الحجة. و السلام عليكم و رحمة الله و بركاته.

حرر يوم الثلاثاء في الحادي عشر من شهر شعبان 977ه.

مولاي عبد الله محمد بن عبو.."

In the name of Allah, The Most Compassionate, The Most Merciful. Glory belongs to Allah [alone]. This letter is from the slave of Allah, the one who puts his trust in Allah, the one who is alive by the grace and power of Allah, a Mujahid in His path, the Commander of the Believers, the one who holds fast to the *Shari'ah* of Allah, the annihilator of the disbelievers, vanquisher of the armies of disobedience towards Allah. Mawlavi Abdullah Muhammad ibn Abu- May Allah bless his efforts and correct his mistakes in order to return the honour of *Al Andalus* and bring back its glory. May Allah the all powerful grant it victory and He has power over all things. To my special and beloved friend, the great master, the noble, the exalted, the foremost in eminence, the benevolent and the one who fears Allah. May Allah bestow upon him the gift of forgiveness.

As for what follows:

May Allah's peace and abundant blessings and favors be upon our great country.
My dear brother, the news of your great country has reached us. The beneficent *Sultan* who shows mercy and kindness towards the suffering and distressed has asked about us, concerned about what is happening with us and is moved by what afflicts us of hardship and poverty at the hands of the Christians. His majesty, the *Sultan* has sent us a letter stamped with his seal promising us with help in terms of a large number of Muslim men and whatever support and equipment we need that allows us to secure this land.

Although we suffer severe hardships in this bitter disaster, yet we come again to the High Porte[858], asking for help and support from you, so we beseech you for help! By Allah, the Omnipotent, the one who is above all mankind.

We ask your majesty to inform the powerful sultan about our news and situation and about the great war which we are fighting and tell his majesty that if he wants to include us in the realm of his care and mercy then he should hurry to rescue us before we are destroyed. There are two powerful armies coming towards us, attacking us from two sides. If we are defeated in the battle, then Allah (سبحانه و تعلى) will give him a difficult reckoning for that on the Day of Resurrection- the day when power will be of no use against any excuse. Peace and blessings of Allah upon you.

Written on Tuesday 11th of Sha'ban, 977 A.H. (Feb. 11th , 1570)

Mawlavi Abdullah Muhammad ibn Abu.

[858] The High Porte referred to the private court of the sultan. Porte is French for "gate"; therefore, the term High *Porte* is a bilingual combination of English *High* and French *Porte* that is equivalent to *Bab-ı A'li*.

Appendix X:

Full Arabic version of Tariq Bin Ziyad's speech to his troops from Imam Maqri's Nafh Al Tib.

أيها الناس، أين المفر؟ البحر من ورائكم، والعدو أمامكم، وليس لكم والله إلا الصدق والصبر، واعلموا أنكم في هذه الجزيرة أضيع من الأيتام في مأدبة اللئام، وقد استقبلكم عدوكم بجيشه وأسلحته، وأقواته موفورة، وأنتم لا وزر لكم إلا سيوفكم، ولا أقوات إلا ما تستخلصونه من أيدي عدوكم، وإن امتدت بكم الأيام على افتقاركم، ولم تنجزوا لكم أمرًا ذهبت ريحكم، وتعوَّضت القلوب من رعبها منكم الجراءة عليكم، فادفعوا عن أنفسكم خذلان هذه العاقبة من أمركم بمناجزة هذا الطاغية فقد ألقت به إليكم مدينته الحصينة، وإن انتهاز الفرصة فيه لممكن، إن سمحتم لأنفسكم بالموت وإني لم أحذركم أمرًا أنا عنه بنجوة ولا حَمَلْتُكُمْ على خطة أرخص متاع فيها النفوس إلا وأنا أبدأ بنفسي، واعلموا أنكم إن صبرتم على الأشقِّ قليلاً، استمتعتم بالأرفَهِ الألذِّ طويلاً، فلا ترغبوا بأنفسكم عن نفسي، فما حظكم فيه بأوفى من حظي، و قد بلغكم ما أنشأت هذه الجزيرة من الحور الحسان، من بنات اليونان، الرافلات في الدرّ و المرجان، و الحلل المنسوجة بالعقيان، المقصورات في قصور الملوك ذوي التيجان، و قد انتخبكم الوليد بن عبد الملك أمير المؤمنين من الأبطال عُربانًا، ورضيكم لملوك هذه الجزيرة أصهارًا، وأختانًا، ثقة منه بارتياحكم للطعان، واستماحكم بمجالدة الأبطال والفرسان؛ ليكون حظُّه منكم ثواب الله على إعلاء كلمته وإظهار دينه بهذه الجزيرة، وليكون مغنمًا خالصة لكم من دونه، ومن دون المؤمنين سواكم، والله – تعالى – ولّى أنجادكم على ما يكون لكم ذِكرًا في الدارين.

واعلموا أنني أول مُجيب لما دعوتكم إليه، وأني عند مُلتقى الجمعين حامل نفسي على طاغية القوم لذريق، فقاتله - إن شاء الله تعالى -، فاحملوا معي، فإن هلكت بعده، فقد كفيتكم أمره، ولم يعوزكم بطلب عاقد تسندون أموركم إليه، وإن هلكت قبل وصولي إليه؛ فاخلفوني في عزيمتي هذه، واحملوا بأنفسكم عليه، واكتفوا الهمَّ من فتح هذه الجزيرة بقتله؛ فإنهم بعده يُخذلون

Appendix Y:

List of Foreign fighters in Crusade upon Garnata at the end of the 15th Century CE, (source: 'Gente del siglo XV' in the articles named "Extranjeros en la guerra de Granada" and "El Libro del Limosnero de Isabel la Católica"):

Name and Description	**Nationality**
Adan, çoyso *çoyso = Swiss (suizo in modern Spanish)*	Swiss
Adan Tres, francés *francés = French*	French
Andreas Rudo or Ruede, de Superiore Carçania	?
Andrés Fanega, çoyso (= Fanecker?) *Swiss*	Swiss
Andrés de Fulda	?
Anriques, çoyso *Swiss*	Swiss
Anthoni de Tamplus, ville de Perona	?
Antonio Floquin, çoyso *Swiss*	Swiss
Anthonius de Paris	French?
Arbelis Fabra, civitatis Parisiensis, regni Francie *Latin: city/citizen? of Paris, kingdom of France*	French
Arçes Estaygar (=Steiger?)	German (Swabian)
Aydacar, çoyso (= Heidecker or Heidegger?) *Swiss*	Swiss
Bartholomeo Tranxes, Imperii Alamanie (=Tranches?) *Latin: German Empire*	German Emp.
Barverà, maestre lombardero *maestre lombardero = master of the lombard, a small type of cannon*	?
Bendicti Blancar, ciuitatis Friborensis (Freiburg) *Latin: city/citizen? of Freiburg*	German
Benedictus Mans, oriundus ciuitatis Olm, regni de Suedem (= Ulm, Schwaben) *Latin: native of the city of Olm, kingdom of Swabia*	German
Bernardo del Roi	?
Cahele, çoyso (=Kailer?) *Swiss*	Swiss

Henricus Fabreas	?
Enricus de Julianus, ciuitatis Coloniensis, Imperii Alemanie *Latin: city/citizen? of Cologne, German Empire*	German (Koeln)
Enricus Muri de Thurego, nacione alamanus (Heinrich Murer de Thurgau = Zurich)	German (Zurich)
Enrique de Calona, çoyso *Swiss*	Swiss
Enrique Fabreos (see Enricus Fabreas)	-
Enrique de Says, çoyso *Swiss*	Swiss
Escales, conde de (see Woodville, Anthony) *Count of*	English
Francisco de Olanda, maestre del artillería *maestre del [sic] artillería = master of artillery*	Dutch?
Frayle (El), çoyso *Frayle = Friar (literally, spelled "Fraile" in modern Spanish), Swiss*	Swiss
Galian, çoyso *Swiss*	Swiss
Gascón, çoyso *Swiss*	Swiss
Gaspar Faris (16) or Frai (= Frei?), naciones sueuiorum, Capitaneo suyciorum *Lat: of the nation of Swabia, Captain of the Swiss?/Swabians?/?*	German?
Gaston de Lyon, senescal de Tolouse *seneschal of Tolouse*	French
Georgius alamanus, vicinus de Calbo (= Calw Hanover?) *Lat: George german, citizen of Calbo*	German
Ginés Angeber	?
Gonzalo de Santarem, espingardero *espingardero = person in charge of / shooting the espingarde, a type of cannon*	Portuguese
Guillelmus Bosses, oriundus ciuitatis Andegauensis, regni Francie (Angers)	French
Guillén, maestro polvorista *maestro polvorista = master of gunpowder*	?
Guillén Bretón, lombardero *person in charge / shooter of the lombard cannon*	Brittany
Guillermo, maestre lombardero francés *master of the lombard cannon*	French
Guillermo Leroi, fundidor de lombardas *fundidor de lombardas = caster of lombard cannons (as in making them out of metal)*	French?
Guillermo Marstun (= Marstham?), criado de la cámara del Rey de Inglaterra	English

chamber(?) servant of the King of England	
Henricus Haxinger (=Haschinger), naciones sueuiorum *Lat: of the nation of Swabia?*	German
Henry, francés *Frenchman*	French
Holrrici Envert (=Ulricus Enbert), ville de Xuyce, diocesis Costexensis	German?
Huel Riares Delque (=Wilhel Riars), çoyso *Swiss*	Swiss
Hulis de Huelgon (= de Welden, de Wellkein?), naciones sueuiorum *Lat: of the nation of Swabia?*	German
Jacobi Lo Largo, ciuitatis de Santo Lodo, regni Francia (= Saint Lo) *Lat: of the city of Santo Lo, kingdom of France*	French
Jain Picart, maestro lombardero y afinador de salitre *master of the lombarde cannon and refiner? of saltpeter / niter*	French?
Jaro, çoyso (= Harald, Harro?) *Swiss*	Swiss
Joannes Barberi, ciuitatis de Burgenberri, regni Francie (= Bourges) *Lat: of the city of Bourges, kingdom of France*	French
Johannes Beches, çoyso (= Weisser, Waitser?) *Swiss*	Swiss
Joannes Borgoñón, loci Sauonyii, ducatus Burgundie (=Savona) *Lat: of the place of Savona, duchy of Burgundy*	Burgundian
Joannes Causach (= Kausach), monasterii Sanctii Laurencii Ordinis Sanctissime Trinitatis in terra de Candala siti	?
Joannes Cella de Turrego (= Hans Keller de Thurgau or Thuregum, Zurich)	German? (Zurich)
Joannes de Cierch (= Zurich?)	German? (Zurich)
Joannes Grilbert (= Gilbert), ciuitatis de Reyns, regni Francie (= Reims) *Lat: of the city of Reims, kingdom of France*	French
Joannem Guinicium (= Guinec), ciuitatis de Rixmunt (= Richmond) *Lat: of the city of Richmond*	English
Johannes Mete (= Metten?), çoyso *Swiss*	Swiss
Joannes Mortimer in sacris constitutionibus et in artibus bachalarius, ville Northanton (= Northampton), regni Anglie	English
Joannes Rill (=Ruel?), ciuitatis de Visenburch (= Weissenburg), Imperii Alemanie	German
Joannes de Sieris (see Joannes de Cierch)	-

Joanne Straynor (= Strainer), ciuitatis de Olm (Ulm), Imperii Alemanie	German
Joannes de Toyan, ciuitatis Maydeborch (=Magdeburg), ducatus Sacçonie, Imperii Alemanie	German (Saxony)
Joannes Veyterville (= Watervill?) Petrelingue	?
Joannes Villisetun, ciuitatis de Neuburch (= Newbrigh) regni Escocie *Lat: of the city of Newbright, kingdom of Scotland*	Scottish
John Morton	
Jorge, maestro lombardero *master of the lombard cannon*	
Juan Dabre (= de le Havre?)	French?
Juan Inglés	English
Juan Aportogués, escudero de las guardas *esquire of the guards?*	
Juan de Argentina (=Estrasburgo)	German?
Juan de Bretaña, tirador *shooter? / supplier?*	Brittany
Juan de Ricart, lombardero *person in charge / shooter of the lombard cannon*	?
Julianus Scaufar (= Schaeffer, Skauffer) de Bernancia (=Bern)	Swiss?
Juan de Strabor (= Strassburg?)	Strasbourg[859]
Martin Copin, tirador de pertrechos *provider? of (military?) supplies*	
Martin Jorge, fundidor, lombardero y maestre de fuego, francés *foundry-worker, lombarde shooter/whatever and master of fire (?!)*	French
Matheus Sanche de Bernancia (Matthaeus Santschi, Sanzer?, of Bern)	Swiss?
Mentellin, capitán de los arqueros bretones *= captain of the Breton archers*	Brittany
Michael Camarlensis, ville Brucellensis (Brussels), ducatus Brabant, Imperii Alemanie	German
Miquel Johannes, çoyso *Swiss*	Swiss
Nicandel (= Philippe de Shaundé, Lord Schande)	?
Nicolao, maestre lombardero *person in charge / shooter of the lombard cannon*	
Nicolás, maestre salitrero y polvorista, francés *master of saltpeter/niter and gunpowder, frenchman*	French

[859] During the 15th Century CE, it was a free republic

Nicolás de Berna, maestre *master*	Swiss?
Ombertus or Ubertus Stantus de Ybernia, regni Angliae	English
Osner, polvorista francés *Frenchman, making /in charge of gunpowder*	French
Payar, çoyso (= Bayer?) *Swiss*	Swiss
Pedro, maestro lombardero alemán *German master of the lombard cannon*	German
Pedro de Abre (= Le Havre)	French
Pedro Aunón, lombardero *person in charge / shooter of the lombard cannon*	
Peri or Peti Juan, polvorista francés, artillero tirador *French gunpowder man, artillery shooter*	French
Petrel Ausur, çoyso – *Swiss*	Swiss
Petrel Coperel, çoyso – *Swiss*	Swiss
Petrus Alamanç, de Brujas - *of Bruges*	Burgundian
Petrus de Dossa (= Dessau?), frater nacionis Sueuiorum	German
Petrus Frimut, oriundus ciuitatis de Luco, prouincia de Lusordia (= Lugano?)	?
Pierres, lombardero francés *French person in charge / shooter of the lombard cannon*	French
Pierres de Bre (= Brie, Pré?), lombardero francés, maestre tirador de artillería *French lombard cannon man, master artillery shooter*	French
Pregi, señor de - *Lord of Pregi*	
Rafaele militum, ciuitatis de Leyscia (Leeds) *Lat: of the city of Leeds*	English
Rodrigo de Colona, çoyso – *Swiss*	Swiss
Rogerius Besul, oriundus ville de Vinsor (Windsor), regni Angliae *Lat: native of the town of Windsor, kingdom of England*	English
Roldán de La Sala, ciuitatis Burgen en Berris (= Bourges, Perry?)	
Sanceo Hanse (= Hansen?), el Quemado, alemán *the Burnt, German*	German
Sancho (= Santzer?), moço de espuelas, çoyso *servant? of the spurs, Swiss*	Swiss
Simón, maestre lombardero *master of the Lombard*	

Thoma Bert, ciuitatis de Yorch (York), regni Angliae *Lat: of the city of York, kingdom of England*	English
Thoma Lyl (Lyll), ciuitatis de Duran (Durham) *Lat: of the city of Durham*	English
Thoma Noel, ville Douster (= Docester)	English
Tomás Bretón, artillero *artilleryman*	Brittany
Ursus Stayar, naciones Sueuiorum (see Arces Estaygar) *of the Swabian nation*	German
Varranus de Boysech (= Woyzeick), germani gentis *Lit: of the German people?*	Polish? / German?
Woodville, Anthony, "lord" Scales[860]	English

These are given in the same book (Gente del siglo XV) as an appendix to the above and the related article. They were taken from "El Libro del Limosnero de Isabel la Católica" edited by Eloy Benito Ruano. Only those whose names were provived are included in this list. The quotes are Ruano's.

Name and Description	**Nationality**
Andrés Picardo, inglés que vino con el conde inglés y estuvo cautivo en Illora y Moclín *Englishman who came with the English Count and was captive in Illora and Moclin (Granadan towns)*	English
Bulen, flechero inglés *English arrowman (arrow maker?)*	English
France de Tois	English
Francisco de Vernel, capitán inglés *English captain*	English
Guillermo Marstun, "criado de la cámara del Rey de Inglaterra, que vino con el conde d'Escalas e se le morió el cauallo yendo a Santiago" *"chamber servant of the King of England, who came with the Count of Scales and had his horse die on the way to Santiago" (of Compostella)*	English
Johan Morton, de Londres, "que estuuo en la guerra con el Marqués de Cádiz" *of London, participated in the war with the Marquis of Cadiz*	English
Juan de Aviñón, "que vino a seruir a la guerra a su costa con cauallo e armas e perdió en la guerra el cauallo" *"came to serve at the war at his expense, with a horse and arms, and lost the horse in the war"*	French?
Nicolás Voquet, que volvía junto con France de Tois a encontrarse con el conde d'Escalas, para quien el Rey le dió una carta *was going back with France de Tois to meet the Count of Scales, for whom the King sent a letter*	

[860] This actually refers to Edward Woodville (d. 1488)

Niculás el Francés, criado del conde d'Escalas, herido tres veces en Loja *Nicholas the Frenchman, servant of the Count of Scales, wounded three times at Loja*	French
Petrus Benart, capellán del conde de Scales *chaplain of the count of Scales*	English
Radulfus de Anguia, caballero inglés que trajo siete compañeros *English knight who brought seven companions*	English
Roberto, flechero inglés *English arrowman*	English

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